
SALT LAKE CITY COUNCIL MEMORANDUM

DATE: April 26, 2007

SUBJECT: 2005/2006, 2006/2007 FY Sidewalk Replacement
Special Improvement District No. 102136
Authorization to award a construction contract
for the Sidewalk Replacement SID and creation of
SID

AFFECTED COUNCIL DISTRICTS: 5 and 7

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

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

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt two resolutions:
 - a. Resolution designating an assessment area to be known as the Salt Lake City, Utah Sidewalk Replacement Special Assessment Area 2005/06, 2006/07 FY Job No. 102136 and authorizing City officials to proceed with the construction of the improvements; and
 - b. Resolution accepting bids for purchasing of materials and construction work authorizing execution of a construction contract with the apparent low bidder for construction of improvements within Job No. 102136.

NEW INFORMATION:

For the City Council's consideration are two resolutions:

1. Resolution to create the 2005/2006, 2006/07 FY Job No. 102136 Special Improvement District authorizing City officials to proceed with construction improvements as set forth in the Notice of Intention; and
2. 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 (B. Jackson Construction & Engineering).

Construction involves the replacement of deteriorated concrete sidewalks

determined by the Office of the City Engineer. The 2004 Sidewalk Replacement area covers:

- 1300 South (south side only) to 1700 South (north side only) from the 700 East (east side only) to 1100 East (both sides).
- Both sides of 900 East and 1100 East from 1700 South to 2100 South

(A map of the SID boundaries are included as part of the Administration's paperwork for the Council's review.)

Construction schedule: begin construction in the spring of 2007 with completion by fall.

The Council held a protest hearing on Tuesday, April 3, 2007. A summary breakdown of protests received by the City in creating the 2005/2006, 2006/07 FY Sidewalk Replacement SID is provided in the Administration's paperwork. The City Engineer reports that a total of 1.686 percent of submitted protests were received. More than 50 percent of the assessed dollars protesting against the district is required in order for the district not to be created. According to Engineering, they contacted all protestors to address their concerns or inquiries.

KEY DATES:

February 13, 2007: Council adopted a resolution declaring the Notice of Intention and set the protest hearing date of April 3, 2007 at 7 p.m.

March 28, 2007: An informal public meeting was scheduled for the Administration to review the proposed SID with interested abutting property owners. The meeting was held at the Forest Dale Golf Course, 2375 South 900 East from 3:00 to 6:00 p.m.

April 3, 2007: Deadline for written protests against the proposed improvements, assessments or against the creation of the District were to be filed in the Office of the City Recorder on or before 5:00 p.m. on Tuesday, April 3, 2007, followed by a Council protest hearing on April 3rd at 7:00 p.m.

April 11, 2007: At 2:00 p.m., bids were opened for the construction and improvements and City Engineer's Office tabulated bid results for the City Council's consideration.

Upcoming action before the Council will include:

- Resolution appointing a Board of Equalization and setting the date for the Board of Equalization hearing.
- Ordinance confirming the assessment rolls and levying assessments.
- Resolution authorizing the issuance and providing the sale of bonds.

The following information was provided earlier to the City Council at the time of the Notice of Intention. Information is being provided again as background.

KEY ELEMENTS:

Each year, a concrete replacement project is identified for funding. 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 for Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY, No. 102136, and set a protest hearing date for Tuesday, April 3, 2007 at 7 p.m. before the City Council.

There are 1,245 properties identified within the outlining boundaries of the district which includes:

- 1300 South (south side only) to 1700 South (north side only) from the 700 East (east side only) to 1100 East (both sides).
- Both sides of 900 East and 1100 East from 1700 South to 2100 South

For the 2005/2006, 2006/2007 Sidewalk Replacement Special Improvement District No. 102136, improvements involve the removal and reconstruction of concrete sidewalk which has been determined to be defective by the office of the City Engineer. Projected construction schedule indicates work to begin in the spring of 2007 with anticipated completion by November 15, 2007.

Assessments may be paid by property owners in five (5) equal annual installments with interest accrual on the unpaid balance, or the assessment may be paid without interest in whole or in part within 30 days from the date when the ordinance levying the assessment becomes effective.

BUDGET RELATED FACTS:

Funding sources are allocated from the Salt Lake City CIP budget and property owner assessments through the SID as follows:

Property owners:	\$ 778,130
Salt Lake City Funds:	\$ 538,732
Total	\$1,316,862

Following Council's approval of the attached resolution, estimated costs, a copy of the Notice of Intention, and a letter was sent to property owners living within the boundary areas of the proposed SID notifying property owners that the City is considering a proposed sidewalk replacement project that includes their properties. All residential property owners were informed that the cost to replace defective concrete will be shared 50/50 by the City plus administrative costs, and other expenses described hereafter; however, commercial properties pay the full cost of the replacement.

In conjunction with the concrete replacement, property owners are also informed that

new sidewalk access ramps for ADA accessibility will be installed at all street corners, costs paid by the City. Costs associated with defective driveway approaches into alley ways are also paid by the City. Also, property owners will be made aware that the City will use a horizontal saw cutting contractor to remove the vertical displacements of up to one inch in sidewalk sections at no cost to the property owner thus reducing property owner costs and eliminating hazardous situations. Saw cutting of the vertically displaced section could either take place before or after the work of replacing the designated sidewalk sections is completed. For areas identified for saw cutting, property owners are given the option to express preference to have sidewalk area replaced rather than saw cut; however sidewalk replacement in these incidences requires property owners to pay the full cost of the sidewalk removal and replacement.

Areas identified by the City exceeding the one inch of sidewalk vertical displacement that do not warrant horizontal saw cutting or that are badly broken and deteriorated will be replaced as part of the SID.

To ensure that the assessments are equitable to the property owners involved in the District, an exception is given to corner lot properties. The sidewalk replacement costs associated with the first 75 feet along a non-address side of a property is excluded from the property owner's assessment cost.

Property owners are provided the option to have sidewalks replaced that have not been determined to be defective by the office of the City Engineer, driveway aprons, asphalt tie-ins, additional curb and gutter work performed in conjunction with the proposed SID improvements, with the property owner being responsible for optional replacement costs.

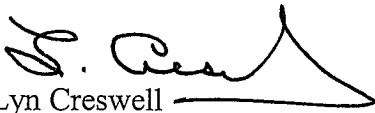
If a property owner does not wish to participate in the proposed SID or is on a limited income, there are three options:

- The property owner and the City execute a "Defective Concrete Agreement" that requires approval by the City Engineer. The agreement will permit the property owner to seek another manner in which to replace the concrete rather than participate in the SID. A property owner must identify the manner in which the defective concrete will be replaced and provide a timeline as to when replacements will occur. If failure on the part of the property owner to complete the work on time occurs, the agreement becomes null and void. This results in the property being added back to the District or a future district. The District will make the replacements and assess the property owner for the cost of improvements. If a property owner chooses to find another manner in which to complete the concrete replacement, the owner must comply with City standard plans and specifications and a no fee permit to work in the public way is required.
- Property owners had the opportunity to file a written protest on or before 5:00 p.m. on the 3rd of April 2007 or to attend the protest hearing on Tuesday, April 3, 2007 at 7:00 p.m. in the City Council Chambers; however, in order for the District not to be created, the necessary number of protests must represent more than one-half of the footage to be assessed 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 owner 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 an annual basis.

cc: Cindy Gust-Jenson, Sam Guevara, Lyn Creswell, Rick Graham, Gary Mumford, Dan Mulé, John Naser, Max Peterson, Diana Karrenberg, Marge Harvey, Sylvia Richards, Gwen Springmeyer, Michael Stott, Boyd Ferguson, Karen Carruthers, Susan Finlayson, Blaine Carlton, and Garth Limburg.

COUNCIL TRANSMITTAL

TO: Lyn Creswell 
Chief Administrative Officer

DATE: May 1, 2007

FROM: Rick Graham, Director 
Public Services Department

SUBJECT: Creation of Sidewalk Replacement Special Improvement
District, 2005/2006, 2006/2007FY, Job No. 102136

STAFF CONTRACT: John Naser P.E., Deputy City Engineer 525-6240

DOCUMENT TYPE: Resolution

RECOMMENDATION: It is recommended that the City Council adopt a resolution to create the Special Improvement District.

BUDGET IMPACT: Monies are provided from the Salt Lake City Capital Improvement budget and property owner assessments through the Special Improvement District.

BACKGROUND/DISCUSSION: The Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007FY, Job No. 102136 involves the replacement of defective concrete sidewalk and at the property owner's option, defective driveways, curb and gutter. The District is bounded by 700 East to 1100 East, and 1300 South to 1700 South; also 1700 South to 2100 South and 900 East and 1100 East.

Attached is an information sheet, with the summary of protests and a site map.

PUBLIC PROCESS: An informal information meeting was held March 28, 2007 at Forest Dale Golf Course, and a Protest Hearing was held before the City Council on April 3, 2007

INFORMATION SHEET
SIDEWALK REPLACEMENT
SPECIAL IMPROVEMENT DISTRICT, 2005/2006, 2006/2007 FY
JOB NO. 102136

DESCRIPTION OF IMPROVEMENTS:

The District will be created and improvements will be constructed within the boundaries of Salt Lake City, Utah. The general area bounded between the south side of 1300 South to the north side of 1700 South and the east side of 700 East and to east side of 1100 East. Also included are both sides of 900 and 1100 East from the south side of 1700 South to the north side of 2100 South.

TOTAL ESTIMATED COSTS

• Property Owner's Portion of Costs	\$ 778,130
• City's Portion of Costs	\$ 538,732
Total Estimated Project Cost	\$1,316,862

SCHEDULE

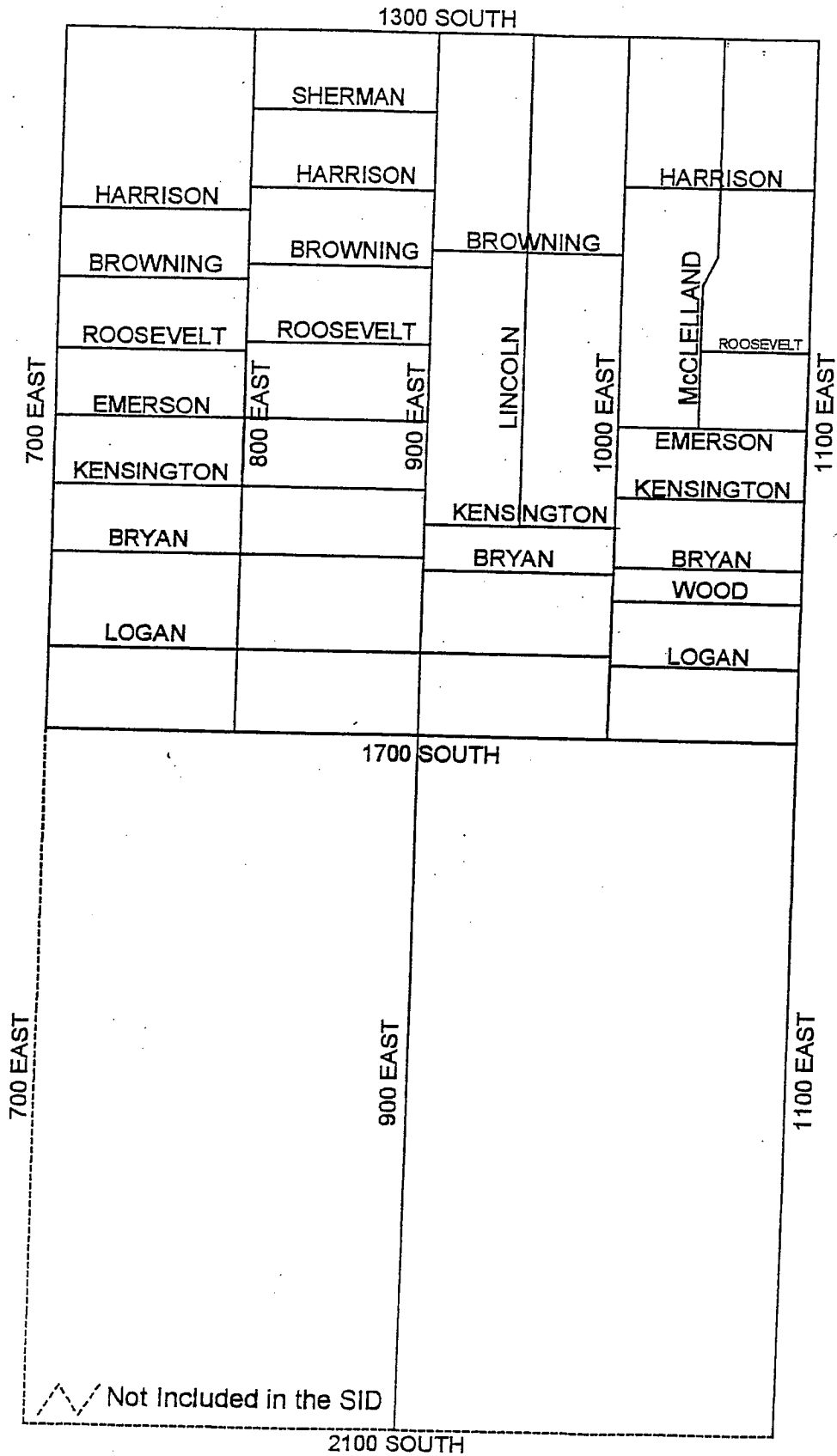
Construction of the project is scheduled to start in the spring of 2007 with completion by the fall of 2007. The construction will be phased so disruption and inconvenience to property owners and pedestrians will be minimal.

SUMMARY OF PROTESTS

	Date Received	Property ID	Name	Address in Protest	Est. Assessment
1	1-Mar-07	16-17-155-045-0000	Laurie Neebling	1598 South 800 East	\$ 576.00
2	2-Mar-07	16-08-378-007-0000	Sylvia Kronstadt	824 East Sherman Ave.	76.80
3	6-Mar-07	16-08-377-011-0000	Roula Barbouletos	864 East 1300 South	576.00
4	26-Mar-07	16-17-204-026-0000	Utah AIDS Foundation	1406 South 1100 East	2,818.80
5	27-Mar-07	16-17-257-005-0000	Eresuma Family Limit Partnership	1597 South 1100 East	1,843.20
6	27-Mar-07	16-17-257-029-0000	Eresuma Family Limit Partnership	1587 South 1100 East	230.40
7	29-Mar-07	16-17-127-018-0000	Edward McDonald	821 East Browning Ave.	364.80
8	2-Apr-07	16-17-176-018-0000	William Hair	1553 South 800 East	1,098.88
9	2-Apr-07	16-17-176-013-0000	William Hair	864 East Kensington Ave.	153.60
10	2-Apr-07	16-17-127-025-0000	Annina Mitchell	865 East Browning Ave.	192.00
11	2-Apr-07	16-17-154-030-0000	Johanna & Joalyn Hofer	761 East Bryan Ave.	322.72
12	2-Apr-07	16-07-129-009-0000	Jeanne & Robynne Kirkpatrick	803 East Emerson Ave.	230.40
13	2-Apr-07	16-17-202-008-0000	Laurie Bragg & Jeff Webb	1415 South 1000 East	115.40
14	3-Apr-07	16-17-156-015-0000	Susan Krushat & Don Stevenson	782 East Logan Ave.	307.20
15	3-Apr-07	16-17-454-005-0000	Jason Vance	1909 South 1100 East	676.48
16	3-Apr-07	16-17-133-015-0000	Charles & Barbra Pioli	1489 South 900 East	1,281.12
17	3-Apr-07	16-17-128-011-0000	Edward Kimberly Vasquez	853 East Browning Ave	245.92
18	3-Apr-07	16-17-128-010-0000	Angela Kinser	848 East Browning Ave	629.92
19	3-Apr-07	16-17-252-001-0000	Damir Anteljevic (Mostar Estates LLC)	1573 South 1000 East	1,382.40

TOTAL PROTEST	\$ 13,122.04
TOTAL ASSESSABLE VALUE	\$778,130.00
Protest Rate =	1.686%

SIDEWALK REPLACEMENT S.I.D.
 2005 - 2006 and 2006 - 2007
 Job Number 102136



Salt Lake City, Utah

May 1, 2007

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, the 1st day of May, 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 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:

Thereupon the following proceedings, among others, were duly had and taken:

Pursuant to published notice concerning the intent of the City to create the "Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136" (the "District"), a public hearing was held on the 3rd day of April, 2007, at which interested persons were heard concerning comments or protests relating to the District. No protests were filed at the public meeting from the owners of property to be assessed.

The City Council then concluded that the public interest will best be served by creating the District in the format as described in Resolution 7 of 2007 adopted by the City Council on the 13th day of February, 2007, with such changes as may be required by changes in the law as hereafter described.

After due consideration of the following resolution by the City Council, Councilmember _____ moved and Councilmember _____ seconded its adoption. The resolution was adopted by the following vote:

AYE:

NAY:

RESOLUTION NO. ___ OF 2007

A RESOLUTION DESIGNATING AN ASSESSMENT AREA TO BE KNOWN AS THE "SALT LAKE CITY, UTAH SIDEWALK REPLACEMENT SPECIAL ASSESSMENT AREA 2005/2006, 2006/2007 FY JOB NO. 102136" (THE "ASSESSMENT AREA"); GENERALLY AS DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE ASSESSMENT AREA; AUTHORIZING THE CITY OFFICIALS TO PROCEED WITH THE CONSTRUCTION OF THE IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION; AND RELATED MATTERS.

WHEREAS, pursuant to the Municipal Special Improvement District Act, Title 17A-3-301 et seq. Utah Code Annotated 1953, as amended (the "Act") on the 13th day of February, 2007, the City Council (the "Council") of Salt Lake City, Utah (the "City"), adopted a Notice of Intention (the "Notice of Intention") to create a special assessment district to be known as the Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY, Job No. 102136, and after giving notice as required by the Act, held a public hearing on the 3rd day of April, 2007, at which interested persons were heard concerning comments or protests relating to said district; and

WHEREAS, the Act has now been amended and restated, and is now known as the Assessment Area Act, Title 11-42-101 et seq., Utah Code Annotated 1953, as amended (the "Assessment Area Act"); and

WHEREAS, pursuant to the Assessment Area Act, an assessment district is now referred to as an "assessment area" and instead of creating a district, a municipality will now "designate" an assessment area; and

WHEREAS, Section 11-42-609 of the Assessment Area Act provides that all proceedings taken before April 30, 2007, related to the authorization and issuance of "local entity obligations" as defined therein are validated, ratified, and confirmed; and

WHEREAS, pursuant to Section 11-42-206 of the Assessment Area Act, and consistent with the Notice of Intention, the Council now desires to designate an assessment area to be known as the "Salt Lake City, Utah Sidewalk Replacement Special Assessment Area 2005/2006, 2006/2007 FY Job No. 102136":

BE IT RESOLVED BY THE City Council (the "Council") of Salt Lake City, Utah, as follows:

Section 1. The Council has determined it will be in the best interest of Salt Lake City (the "City") to remove and reconstruct deteriorated concrete sidewalk and other miscellaneous work (collectively, the "Improvements") and to complete the whole in a proper and workmanlike manner according to plans on file in the Office of the City Engineer in Salt Lake City, Utah, as generally described in the Notice of Intention

adopted by the Council on the 13th day of February, 2007, with respect to the designation of an assessment area to be known as the "Salt Lake City, Utah Sidewalk Replacement Special Assessment Area 2005/2006, 2006/2007 FY Job No. 102136" (the "Assessment Area").

Section 2. The estimated costs of Improvements are hereby authorized and the Assessment Area is hereby designated to acquire and construct the Improvements and to levy assessments to pay said costs of Improvements.

Section 3. The legal description and tax identification numbers of the properties anticipated to be assessed within the Assessment Area are set forth in Exhibit A attached hereto.

The boundaries of the Assessment Area include all property abutting or fronting on the following street sections:

<u>Street</u>	<u>Sections to be Improved</u>	<u>Side</u>
1300 South Sherman Ave.	700 East to 1100 East	South side only
Harrison Ave.	800 East to 900 East	Both sides
Browning Ave.	700 East to 900 East	Both sides
Roosevelt Ave.	700 East to 1000 East	Both Sides
Roosevelt Ave.	700 East to 900 East	Both Sides
Emerson Ave.	1040 East to 1100 East	Both Sides
Emerson Ave.	700 East to 900 East	Both sides
Emerson Ave.	1000 East to 1100 East	Both sides
Kensington Ave	700 East to 1100 East	Both Sides
Bryan Ave	700 East to 1100 East	Both Sides
Wood Ave.	1000 East to 1100 East	Both sides
Logan Ave.	700 East to 1100 East	Both sides
1700 South	700 East to 1100 East	North side only
700 East	1300 South to 1700 South	East side only
800 East	1300 South to 1700 South	Both sides
900 East	1300 South to 2100 South	Both sides
Lincoln Street	1300 South to 1545 South	Both sides
1000 East	1300 South to 1700 South	Both Sides
McClelland Street	1300 South to 1490 South	Both sides
1100 East	1300 South to 2100 South	Both Sides

Section 4. As required by law, the City Recorder is hereby authorized and directed to file in the Salt Lake County Recorder's office within fifteen (15) days from the date hereof (a) a copy of the Notice of Intention and an original or certified copy of this Resolution designating the Assessment Area, and (b) a Notice of Proposed Assessments in substantially the form of Exhibit A hereof which states that the City has designated the Assessment Area and which lists the properties proposed to be assessed, described by tax identification number and legal description.

Section 5. The Council hereby finds that less than 75% of the property proposed to be assessed within the Assessment Area consists of unimproved property as defined in the Assessment Area Act.

ADOPTED AND APPROVED this 1st day of May, 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 this ____ 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 1st day of May, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Salt Lake City this 1st day of May, 2007.

(SEAL)

By: _____
Deputy City Recorder

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, _____, the undersigned Deputy City Recorder of Salt Lake City, Utah (the "Issuer"), do hereby certify, according to the records of the City Council of Salt Lake City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-(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 1st day of May, 2007, public meeting held by the City Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule A, to be posted at the principal offices at the City and County Building, Salt Lake City, Utah on the 27th day of April, 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 27th day of April, 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 1st day of May, 2007.

(SEAL)

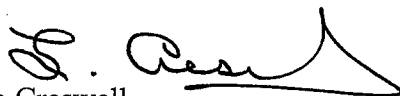
By: _____
Deputy City Recorder

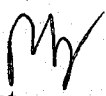
SCHEDULE A
NOTICE OF MEETING

EXHIBIT A

NOTICE OF PROPOSED ASSESSMENT

COUNCIL TRANSMITTAL

TO:  Lyn Creswell
Chief Administrative Officer **DATE:** May 1, 2007

FROM: Rick Graham, Director 
Public Services Department

SUBJECT: Authorization to award a construction contract for the Sidewalk Replacement Special Improvement District, 2005/2006, 2006/2007FY, Job No. 102136.

STAFF CONTRACT: John Naser P.E., Deputy City Engineer 525-6240

DOCUMENT TYPE: Resolution

RECOMMENDATION: It is recommended that the City Council adopt a resolution authorizing the award of a construction contract for the Sidewalk Replacement Special Improvement District, 2005/2006, 2006/2007 FY.

BUDGET IMPACT: Monies are provided from the Salt Lake City Capital Improvement budget and property owner assessments through the Special Improvement District.

BACKGROUND/DISCUSSION: The Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007FY, Job No. 102136 involves the replacement of defective concrete sidewalk and at the property owner's option, defective driveways, curb and gutter. The District is bounded by 700 East to 1100 East, and 1300 South to 1700 South; also 1700 South to 2100 South and 900 East and 1100 East.

Salt Lake City, Utah

May 1, 2007

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, the 1st day of May, 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 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:

Thereupon the following proceedings, among others, were duly had and taken.

A Notice to Contractors calling for bids for construction of improvements contemplated to be made in the District was published in the Deseret Morning News, a newspaper having general circulation in the City, at least one time at least fifteen (15) days prior to the date specified in such notice for the receipt of bids. An affidavit of publication is on file or will be obtained by the City Recorder.

At a public meeting conducted in Room 315 of the City and County Building, 451 South State Street, Salt Lake City, Utah, by staff members of the City Recorder's and City Engineer's Offices on the 11th day of April, 2007, at 2:00 p.m., bids were opened for the construction of improvements contemplated to be made in the "Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136" (the "District"). The City Engineer's Office has tabulated the bid results for consideration by the City Council.

Upon the reopening of the bids in open session of this council meeting, the City Council examined and declared the bids to be as tabulated as set out in Exhibit A which is attached to these proceedings. The City Council determined that B. Jackson

Construction & Engineering was the apparent low bidder for the construction of improvements as specified in the engineering plans for the improvements set out in the Notice of Intention. Thereupon, the following resolution was introduced in writing and Councilmember _____ moved to adopt the resolution:

RESOLUTION NO. ___ of 2007

A RESOLUTION CONDITIONALLY ACCEPTING BIDS FOR PURCHASING OF MATERIALS AND CONSTRUCTION WORK AND, SUBJECT TO APPROVAL OF THE CITY ENGINEER, AUTHORIZING EXECUTION OF A CONSTRUCTION CONTRACT WITH THE APPARENT LOW BIDDER FOR CONSTRUCTION OF IMPROVEMENTS WITHIN THE SALT LAKE CITY, UTAH SIDEWALK REPLACEMENT SPECIAL IMPROVEMENT DISTRICT 2005/2006, 2006/2007 FY JOB NO. 102136 (THE "DISTRICT"); PROVIDING FOR THE REMOVAL AND RECONSTRUCTION OF DETERIORATED CONCRETE SIDEWALK AND RELATED IMPROVEMENTS AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER WORKMANLIKE MANNER (COLLECTIVELY, THE "IMPROVEMENTS"); AUTHORIZING THE ISSUANCE OF INTERIM WARRANTS AND THE ADDITION OF THE INTEREST THEREON TO ASSESSABLE COSTS, AND RELATED MATTERS.

BE IT RESOLVED by the City Council of Salt Lake City, Utah, that the bid of \$1,262,008.90 by B. Jackson Construction & Engineering, a bidder who submitted the apparent lowest and best bid for the construction of the improvements in the District is hereby conditionally accepted. This award of the construction contract is expressly subject to verification by the City Engineer of the accuracy of the bid amounts, the qualification of the lowest bidder to do business in Utah, a determination that the lowest bidder is a licensed contractor and consideration of any other factors the City Engineer may deem to be appropriate in evaluating the lowest bid and bidder. The exact amount to be paid under a construction contract (the "Contract") shall be determined by computation of the work done based upon the unit prices as set forth in the winning bid.

If the City Engineer approves the lowest bid and bidder for the Contract, the Mayor is hereby authorized to execute the Contract between Salt Lake City and the successful bidder, which Contract may include work in addition to the Improvements to be constructed within said District. If the City Engineer does not approve the lowest bid and bidder, the bid shall again be referred to the City Council for further consideration at a subsequent meeting.

Payment of progress draws under the Contract may be financed internally by the City or by the issuance of interim warrants. The issuance of interim warrants is hereby authorized. When the City Engineer has certified that the construction of the Improvements has been completed, the final interim warrant, if issued, shall be for 100% of the unpaid balance then due under the construction contract. Prior to the completion of construction, the aggregate amount of the interim warrants, if issued, shall not exceed 90% of the value of completed work. Interest charges on the interim warrants shall be equal to the average yield earned by the City on its pooled money balance investments as calculated by the City Treasurer's Office. Interest costs accrued by the City, either

through its internal financing or by the issuance interim warrants, if issued, shall be added as an assessable cost to other construction costs of the District.

The resolution was seconded by Councilmember _____ and was adopted by vote of the City Council as follows:

AYE:

NAY:

Thereupon the Resolution was approved by the City Council and made a matter of record by the City Recorder.

ADOPTED and APPROVED this 1st day of May, 2007.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Deputy City Recorder

After the transaction of other business not pertinent to the foregoing matter, the meeting was on motion duly made, seconded and carried, adjourned.

(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 this ___ 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 above and foregoing is a full, true and correct copy of the record of proceedings had by the City Council of Salt Lake City, Utah, at its meeting held on the 1st day of May, 2007, insofar as the same relates to the awarding of the construction contract for the Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136 (the "District"), as the same appears of record in my office:

(a) that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified;

(b) that due, legal, and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said City; and

(c) that the above resolution was deposited in my office on the 1st day of May, 2007, has been recorded by me, and is a part of the permanent records of Salt Lake City, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said City this 1st day of May, 2007.

(SEAL)

By: _____
Deputy City Recorder

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, _____, the undersigned Deputy City Recorder of Salt Lake City, Utah, do hereby certify, according to the records of the City Council 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 1st day of May, 2007, public meeting held by the City Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the offices of the Salt Lake City Council on the 27th day of April, 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 1, to be delivered to the Deseret Morning News on the 27th day of April, 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 1st day of May, 2007.

(SEAL)

By: _____
Deputy City Recorder

SCHEDULE 1

NOTICE OF MEETING

EXHIBIT A

TABULATION OF BIDS

Name of Bidder

Amount of Bid

[A list naming the bidders and showing the bids which were submitted is available for inspection in the office of the Salt Lake City Engineer.]