
SALT LAKE CITY COUNCIL MEMORANDUM

DATE: April 29, 2008

TO: City Council Members

FROM: Jan Aramaki

SUBJECT: 2007/08 FY Sidewalk Replacement Special
Assessment Area (SAA) Job No. 102145 and
Lyman Court SAA Job No. 102146
Resolution to conditionally accept bids and authorize execution of
a construction contract

COUNCIL DISTRICTS: 2007/08 Fiscal Year Sidewalk Replacement Area No. 102145 -
Zone I - Districts 5 and 6
Lyman Court SAA Job. No. 102146 - Zone II - District 5

FILE LOCATIONS: Public Services
Replacement SAA 102145; and Lyman Court
SAA 102146

POTENTIAL MOTIONS:

1. ["I move that the Council"] **Adopt a resolution to conditionally accept the bids and authorize execution of a construction contract** (*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 with the Salt Lake City, Utah Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area (The "Assessment Area"); providing for the construction of certain infrastructure improvements consisting of sidewalk, pavement, storm drainage, and water main improvements, as well as other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (collectively, the "improvements"), authorizing the issuance of interim warrants and the addition of the interest thereon to assessable costs, and related matters*).
 2. ["I move that the Council"] Not adopt the resolution.
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NEW INFORMATION: (Resolution)

On May 6, 2008, the City Council is also scheduled to adopt a resolution to create Sidewalk Replacement Special Assessment Area (SAA) 2007/08 FY Job No. 102145 and Lyman Court SAA Job No. 102146. According to the Administration, the bid opening took place on April 16, 2008. The City is accepting B. Jackson Construction and Engineering, Inc.'s bid of \$1,489,518.86 which is in line with the City's projected cost. Therefore, the next step for the Council's consideration is to adopt a resolution, in conjunction with a resolution to create the SAA, to conditionally accept bids for construction work and authorize execution of a contract to B. Jackson Construction and Engineering, Inc. for the Sidewalk Replacement Special Assessment Area (SAA) 2007/08 FY Job No. 102145 and Lyman Court SAA Job No. 102146.

Upcoming action before the City Council will include:

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

The following information was provided previously at the time of the Notice of Intention.

It is provided again for Council's reference.

KEY ELEMENTS: (Resolution)

This resolution includes two components: **2007/08 Fiscal Year Sidewalk Replacement Area No. 102145 - Zone I; and Lyman Court SAA Job. No. 102146 - Zone II**

Each year, a concrete replacement project is identified for funding. As the first step in creating the process to establish the Special Assessment Area (SAA), the Administration requested that the Council adopt a resolution declaring the Notice of Intention that includes two different areas and set the protest hearing date of April 1, 2008:

1. **2007/08 Fiscal Year Sidewalk Replacement Area No. 102145 - Zone I (Council Districts 5 and 6):**

Improvements entail removal and reconstruction of deteriorated concrete sidewalks. In addition, at property owners' option, improvements include driveway approaches or curb and gutter replacement in conjunction with the proposed SAA improvement. The property owners are responsible for half of the optional replacement costs; however, commercial properties pay the full cost of the improvements.

Sidewalk access ramps on street corners are completed in conjunction with the project but paid in full by City funds. SAA boundaries include:

- Properties south of 1300 South from 1100 East to 1500 East;
- Properties north side of 1700 South from 1100 East to 1500 East;
- Properties east of 1100 East, but excluding all properties that abut directly on 1100 East since sidewalk replacement was completed in 2007.
- Properties west of 1500 East from 1300 South to 1700 South

Note: properties located within these boundaries that abut along 1300 East between 1300 South and 1700 South are also excluded because concrete replacement was completed in 2005. For a list of neighborhood streets located within these boundaries, please refer to the attached map which provides an illustration of the properties involved in this SAA. There are a total of 984 properties within these boundaries; however, only 739 properties have been identified to receive improvements -- nine of which are commercial properties.

Total Estimated Costs:

Property Owners' portion	\$ 871,609
City's portion	\$ 784,976
Total Estimated Costs	\$1,656,585

The Engineering Division has identified all properties within the boundaries of the proposed SAA that are in need of concrete replacement that will eliminate hazardous situations in the public way. Zone I is scheduled to start in the spring of 2008 with a projected completion date in the fall of 2008.

Following Council's approval of the attached resolution, a letter and a copy of the Notice of Intention was sent to property owners living within the boundary areas of the proposed SAA. Property owners were then notified that the City is considering a proposed SAA that includes their properties. The property owners are informed that the cost to replace defective concrete will be shared 50/50 by the City and the property owner; however, nine commercial properties will 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.

Property owners were 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. Saw cutting reduces property owner costs and eliminates 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 areas replaced rather than saw cut; however sidewalk replacement in these incidences requires property owners to pay the cost of the sidewalk removal and replacement at the SAA sidewalk replacement cost. 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 SAA.

To ensure that the assessments are equitable to the property owners involved in the Assessment Area, 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 must remove at their expense prior to commencement of the improvements, all nonconforming improvements such as: "lawns, shrubs, hedges, sprinkling systems, rock gardens, driveways, curb, gutters, culverts, walks, fences, etc. If improvements that have either been built or installed by the property owner are not removed by the property owners, contractor will remove and dispose of improvements.

2. Lyman Court SAA Job. No. 102146 – Zone II (Council District 5)

The proposed improvements entail roadway reconstruction, concrete pavement, sidewalk, storm drainage facilities, driveway approaches and water main.

Properties included within Zone II include Lyman Court street from 1210 South to 1300 South along both sides. Approximately 10 properties have been identified to be included as part of Zone II.

Total Estimated Costs:

Property Owners' portion	\$ 83,725
Salt Lake City Funds	\$ 82,585
Public Utilities Department's (water and storm drainage budget)	\$ 25,000
Total Estimated Costs	\$191,310

Zone II is scheduled to start in June of 2008 with a projected completion date in September of 2008.

The Administration has stated in the past that it is more economically feasible relating to bonding and administrative costs to combine two project areas into one SAA. Assessments in Zone I, 2007/08 FY Sidewalk Replacement SAA Job No. 102145 may be paid by property owners in approximately five (5) equal annual installments with interest accruing on the unpaid balance until paid in full. Assessments in Zone II, Lyman Court SAA Job No. 102146 may be paid by property owners in not more than approximately ten (10) principal annual installments with accrued interest until paid in full. Property owners have the option to pay the assessment in full or in part without interest within twenty-five (25) days after the ordinance levying the assessment becomes effective.

At the Forest Dale Golf Course, 2375 South 900 East, informal public meetings were held for the Administration to review the proposed SAA with interested abutting property owners from 4 p.m. to 6 p.m.

Tuesday, March 25, 2008

2007/08 FY Sidewalk Replacement
SAA No. 102145

Wednesday, March 26, 2008

Lyman Court SAA No. 102146

Options for property owners who do not wish to participate:

If a property owner does not wish to participate in the proposed SAA 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 SAA. 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 Assessment Area or a future SAA. The Assessment Area 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 also had the opportunity to file a protest on or before 5:00 p.m. on the 1st day of April 2008 at the City Recorder’s Office, 451 S. State Street in Room 415 or to appear or submit comments at the City Council protest hearing on April 1, 2008 at 7 p.m. in the Council Chambers. However, in order for the Assessment Area not to be created, the necessary number of protests must represent more than 50 percent of the total footage to be assessed within the Assessment Area.
- If an assessed property owner within the Assessment Area 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 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, David Everitt, Lyn Creswell, Rick Graham, Jennifer Bruno, Dan Mulé, Marina Scott, Max Peterson, Karen Hale, John Naser, John Coyle, Sylvia Richards, Quin Card, Joyce Valdez, Sam McAllister, Boyd Ferguson, Blaine Carlton, Kenneth Taylor, Cory Young, Karen Carruthers, Garth Limburg, Randy Hillier and Susan Finlayson

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RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES
DIRECTORS OFFICE

RALPH BECKER
MAYOR



COUNCIL TRANSMITTAL

TO: David Everitt
Chief Of Staff

DATE: April 17, 2008

FROM: Rick Graham, Director
Public Services Department

SUBJECT: Authorization to award construction contract for Sidewalk Replacement and Lyman Court Special Assessment Areas, Job Numbers 102145 and 102146

STAFF CONTACT: John Naser P.E., Deputy City Engineer - 535-6240

DOCUMENT TYPE: Resolution

RECOMMENDATION: It is recommended the City Council adopt a resolution authorizing the award of a construction contract for Sidewalk Replacement and Lyman Court Special Assessment Areas, Job Numbers 102145 and 102146.

BUDGET IMPACT: Monies are provided from the Salt Lake City capital improvement budget and property owner assessments through the Special Assessment Area.

BACKGROUND/DISCUSSION: The Sidewalk Replacement Special Assessment Area 2007/2008 FY, Job No. 102145 involves the replacement of defective concrete sidewalk and at the property owner's option, defective driveways, curbs and gutters. This assessment area is bounded by 1100 East to 1500 East and 1300 South to 1700 South.

The Lyman Court Special Assessment Area, Job No. 102146 reconstructs the roadway from 1210 South to 1300 South. The work will consist of concrete pavement, sidewalks, storm drainage facilities, driveway approaches and a new water main.

PUBLIC PROCESS: Informal information meetings were held on March 25 and March 26, 2008 at the Forest Dale Golf Course, and a protest hearing was held before the City Council on April 1, 2008.

LOCATION: 451 SOUTH STATE STREET, ROOM 148, SALT LAKE CITY, UTAH 84111-3104

MAILING ADDRESS: PO BOX 145469, SALT LAKE CITY, UTAH 84114-5469

TELEPHONE: 801-535-7775 FAX: 801-535-6175

WWW.BLOGOV.COM



Salt Lake City, Utah

May 6, 2008

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, May 6, 2008, 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:

Jill Remington-Love	Chair
Carlton Christensen	Vice Chair
Søren Dahl Simonsen	Councilmember
K. Eric Jergensen	Councilmember
Luke Garrott	Councilmember
J.T. Martin	Councilmember
Van Blair Turner	Councilmember

Also present:

Ralph Becker	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 Assessment Area was published in the Deseret 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 April 16, 2008, 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 #102145 and Lyman Court #102146 Special Assessment Area" (the "Assessment Area"). 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 _____

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 2008

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 #102145 AND LYMAN COURT #102146 SPECIAL ASSESSMENT AREA" (THE "ASSESSMENT AREA"); PROVIDING FOR THE CONSTRUCTION OF CERTAIN INFRASTRUCTURE IMPROVEMENTS CONSISTING OF SIDEWALK, PAVEMENT, STORM DRAINAGE, AND WATER MAIN IMPROVEMENTS, AS WELL AS OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER AND 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 \$_____ by _____, a bidder who submitted the apparent lowest and best bid for the construction of the improvements in the Assessment Area 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 or the City Engineer 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 Assessment Area. 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 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 of interim warrants, if issued, shall be added as an assessable cost to other construction costs of the Assessment Area.

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 May 6, 2008.

(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, and the meeting 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 May ____, 2008.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this May ____, 2008.

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 May 6, 2008, insofar as the same relates to the awarding of the construction contract for the Salt Lake City, Utah Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area (the "Assessment Area"), as the same appears of record in my office, and

(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 May 6, 2008, 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 May 6, 2008.

(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 May 6, 2008, 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 principal offices of the City Council on May 2, 2008, 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 News on May 2, 2008, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this May 6, 2008.

(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 that were submitted is available for inspection in the office of the Salt Lake City Engineer.]