
SALT LAKE CITY COUNCIL MEMORANDUM

DATE: April 29, 2008

SUBJECT: 2005/2006, 2006/2007 FY Sidewalk Replacement
Special Improvement District No. 102136
Resolution to appoint a Board of Equalization
and Review and to set the dates for the Board of
Equalization to hear and consider objections and
corrections to any proposed assessments

AFFECTED COUNCIL DISTRICTS: 5 and 7

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

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

POTENTIAL MOTIONS:

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 Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136;" setting the dates for the Board of Equalization to hear and consider objections and corrections to any proposed assessments; authorizing the City Recorder to publish and mail a notice of meetings of the Board of Equalization and Review; and related matters."*
2. ["I move that the Council"] Not adopt a resolution.

NEW INFORMATION:

The work has been completed for 2005/2006, 2006/2007 FY Sidewalk Replacement Special Improvement District No. 102136 (map of the boundaries is attached). The next step required by the City Council is to adopt the attached resolution to appoint a Board of Equalization and Review and set 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.

As required by law, the Board of Equalization consists of the following: one member of the City Council, a representative of the Treasurer's Office, and a representative of the City Engineer's Office. 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, June 24, 2008	3:00 p.m. to 4:00 p.m.
Wednesday, June 25, 2008	5:00 p.m. to 6:00 p.m.
Thursday, June 26, 2008	6:00 p.m. to 7:00 p.m.

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.

May 1, 2007: Council adopted resolutions to create the Assessment Area and to accept bids and authorize execution of a contract to the best bidder for construction work.

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.

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 indicated 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:	<u>\$ 538,732</u>
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 were 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 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 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.

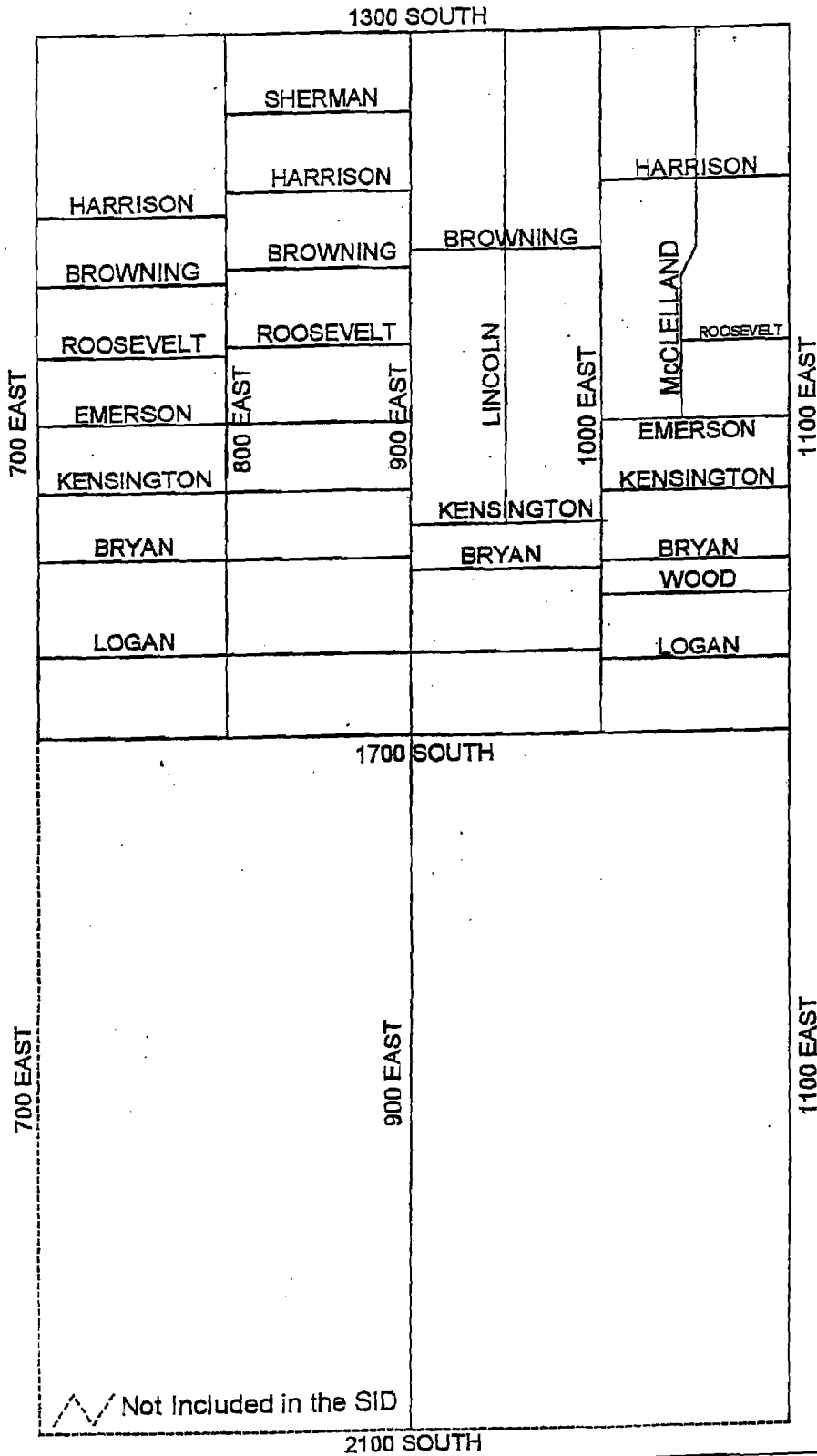
Property owners are provided the option to have sidewalks replaced that have not been determined to be defective by the office of the City Engineer, driveway aprons, asphalt tie-ins, additional curb and gutter work performed in conjunction with the proposed SID improvements, with the property owner being 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 have represented 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, David Everitt, Lyn Creswell, Rick Graham, Jennifer Bruno, Dan Mulé, John Naser, Max Peterson, Karen Hale, Nick Tarbet, Cindy Lou Trishman, Hank Welch, Ed Rutan, Boyd Ferguson, Karen Carruthers, Susan Finlayson, Blaine Carlton, Marina Scott, Randy Hillier, and Garth Limburg.

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



Not Included in the SID

APR 29 2008

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 29, 2008

FROM: Rick Graham - 535-7774
Public Services Department *Ry*

SUBJECT: Resolution to Schedule a Board of Equalization and Review for the Sidewalk Replacement Special Improvement District, 2005/2006, 2006/2007 FY, Job No. 102136

STAFF CONTACT: Karen Carruthers - 535-6355

DOCUMENT TYPE: Resolution

RECOMMENDATION: N/A

BUDGET IMPACT: N/A

BACKGROUND/DISCUSSION: The Sidewalk Replacement Special Improvement District 2005/2006, 2007/2008 FY, Job No. 102136 involved the replacement of defective concrete sidewalk and at the property owner's option, defective driveways, curb, and gutter. The District is bounded by 1300 South to 1700 South, 700 East to 1100 East, 1700 South to 2100 South on 900 East and 1100 East. Construction of this project was completed in the spring of 2008. The work has been completed and the attached resolution will set the 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 a member of the City Council, a representative of the office of the City Engineer or Project Engineer; and a representative of the City Treasurer's Office. The board will meet in the first floor conference room at 349 South 200 East, Salt Lake City, UT 84111 on June 24, 25 and 26, 2008 at the times indicated in the resolution.

PUBLIC PROCESS: N/A

LOCATION: 451 SOUTH STATE STREET, ROOM 14B, 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.SLCGOV.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 to 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:

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 Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136" (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 2008

A RESOLUTION OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH, APPOINTING A BOARD OF EQUALIZATION AND REVIEW FOR THE "SALT LAKE CITY, UTAH SIDEWALK REPLACEMENT SPECIAL IMPROVEMENT DISTRICT 2005/2006, 2006/2007 FY JOB NO. 102136"; 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 February 13, 2007 (the "2007 Notice"), to create the Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136 (the "District"), and published said Notice beginning February 26, 2007, and continuing for three consecutive weeks thereafter, ending on March 17, 2007; and

WHEREAS, in accordance with the 2007 Notice and as required by statute, a hearing was held before the City Council on April 3, 2007 (the "2007 Hearing"); and

WHEREAS, prior to and at the 2007 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 May 1, 2007; and

WHEREAS, the City Engineer has prepared the proposed assessment list that 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 one member of the City Council, a representative of the Treasurer's office, and a representative of the City Engineer's office (the "Board") as follows:

Garth S. Limburg

Member of City Council
Representative of Treasurer's office
Representative of City Engineer's office

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 and will meet at 349 South 200 East, Salt Lake City, Utah, on June 24, 2008, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on June 25, 2008, between the hours of 5:00 p.m. and 6:00 p.m. in the first floor conference room; and on June 26, 2008, 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 that 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 Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136 (the "District"), has now been completed and is available for examination at the office of the City Engineer, 349 South 200 East, Suite 100, Salt Lake City Utah 84111. As required by law, three members 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 total actual cost of the improvements constructed within the District is \$1,376,252.61, of which \$603,853.61 is anticipated to be assessed to the properties within the District benefited by the improvements. The City anticipates paying the remaining costs of improvements in the amount of \$772,399.00.

Benefited properties within the District will be assessed by square foot or by lineal front foot as set forth in the original Notice of Intention adopted by the City Council on February 13, 2007.

The 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 June 24, 2008, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on June 25, 2008, between the hours of 5:00 p.m. and 6:00 p.m. in the first floor conference room; and on June 26, 2008, 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 that 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 May 6, 2008.

(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 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 May 6, 2008.

(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 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 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, May 6, 2008, 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 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 Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136" (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 May 6, 2008.

(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 Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136, 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 May ____, 2008, that being not later than ten (10) days after the first publication of the Notice in the Deseret News as above certified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Salt Lake City, Utah, this May __, 2008.

(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 News.

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, _____, the undersigned Deputy City Recorder of Salt Lake City, 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 May 6, 2008, 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 April 30, 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 A, to be delivered to the Deseret News on April 30, 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 A
NOTICE OF MEETING