
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: March 20, 2009

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 appoint a Board of Equalization and Review and set the dates for the Board of Equalization to hear and consider objections.

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:

This is the next step in the Special Assessment Area (SAA) 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 Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area ; 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 the resolution.
-

BACKGROUND:

- On February 12, 2008, the City Council adopted a Notice of Intention to create a Special Assessment Area to upgrade the streetscape in the 900 East 900 South for Special Improvement District 106018.
- On April 1, 2008, a protest hearing was held.

- On May 6, 2008, the City Council adopted a resolution to authorize City officials to proceed with the construction of improvements and to create the assessment area.
- On May 6, 2008, the City Council adopted a resolution accepting bids and authorizing execution of a contract to the best bidder for construction work and materials to complete the improvements for the reconstruction of improvements.

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: member of the City Council, representative of the City Engineer's Office, and a representative of the City Treasurer'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, April 28, 2009	3:00 p.m. to 4:00 p.m.
Wednesday, April 29, 2009	5:00 p.m. to 6:00 p.m.
Thursday, April 30, 2009	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.

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

It is provided again for Council's reference and for background purposes.

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

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES
DIRECTORS OFFICE

CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff

Date Received: 2/11/2009
Date sent to Council: 2/16/2009

TO: Salt Lake City Council
Carlton Christensen, Chair

DATE: February 12, 2009

FROM: Rick Graham 535-7774
Public Services Department

SUBJECT: Resolution to Schedule a Board of Equalization and Review for the Sidewalk Replacement Special Assessment Area, 2008 FY, Job No. 102145 and Lyman Court Job No. 102146

STAFF CONTACT: Karen Carruthers 535-6355

DOCUMENT TYPE: Resolution

RECOMMENDATION: N/A

BUDGET IMPACT: N/A

BACKGROUND/DISCUSSION: The Sidewalk Replacement Special Assessment Area 2008 FY, Job No. 102145 involved the replacement of defective concrete sidewalk and at the property owner's option, defective driveways, curb, and gutter. The Area is bounded by 1300 South to 1700 South, 1100 East to 1500 East. Lyman Court Job No. 102146 involved the reconstruction of the water line and roadway improvements. Construction of these projects was completed in the fall of 2008. The work is complete and the attached resolution sets the dates for the Board of Equalization and Review meetings where property owners may review the final product and the proposed assessment for the improvements. The Board of Equalization will be comprised of a member of the City Council, the City Engineer or their representative; the City Treasurer or their representative. The board will meet in the first floor conference room at 349 South 200 East, Salt Lake City, UT 84111 on April 28, 29 and 30, 2009 at the times indicated in the resolution.

PUBLIC PROCESS: N/A



Salt Lake City, Utah

March 24, 2009

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, March 24, 2009, 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:

Carlton Christensen	Chair
JT Martin	Vice Chair
Søren Dahl Simonsen	Councilmember
K. Eric Jergensen	Councilmember
Van Blair Turner	Councilmember
Luke Garrott	Councilmember
Jill Remington-Love	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 #102145 and Lyman Court #102146 Special Assessment Area (the "Assessment Area"), 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 2009

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 #102145 AND LYMAN COURT #102146 SPECIAL ASSESSMENT AREA; 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 12, 2008 (the "2008 Notice"), to create the Salt Lake City, Utah Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area (the "Assessment Area"), and published said Notice beginning February 19, 2008, and continuing for three consecutive weeks thereafter, ending on March 10, 2008; and

WHEREAS, in accordance with the 2008 Notice and as required by statute, a hearing was held before the City Council on April 1, 2008 (the "2008 Hearing"); and

WHEREAS, prior to and at the 2008 Hearing, persons having an interest in the Assessment Area were allowed to protest the proposed improvements and/or the creation of the Assessment Area; and

WHEREAS, after protests against the creation of the Assessment Area were heard and considered and modifications recommended by the City Engineer were made, the City Council created the Assessment Area by resolution adopted on May 6, 2008; and

WHEREAS, the City Engineer has prepared the proposed assessment list that pertains to all of the properties within the Assessment Area; 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 Assessment Area is hereby appointed, consisting of one member of the City Council, a representative of the City Treasurer's office, and a representative of the City Engineer's office (the "Board") as follows:

Member of City Council

Member of City Council

Member of City Council

Representative of City 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 Assessment Area and will meet at 349 South 200 East, Salt Lake City, Utah, on April 28, 2009, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on April 29, 2009, between the hours of 5:00 p.m. and 6:00 p.m. in the first floor conference room; and on April 30, 2009, 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, inequitable, 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 #102145 (Zone I) and Lyman Court #102146 (Zone II) Special Assessment Area (the "Assessment Area"), 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 persons 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 Assessment Area.

The actual cost of the improvements, including estimated optional improvements as defined in original Notice of Intention adopted by the City Council on February 12, 2008 (the "Notice of Intention"), within Zone I of the Assessment Area is \$1,434,178.58, of which \$696,062.01 is anticipated to be assessed to the property in Zone I in the Assessment Area benefited by the improvements. The City anticipates paying the remaining costs of improvements in the amount of \$738,116.57 (the "City's Zone I Portion").

The actual cost of the improvements within Zone II of the Assessment Area is \$219,447.27, of which \$84,300.08 is anticipated to be assessed to the property in Zone II in the Assessment Area benefited by the improvements. The City anticipates paying the remaining costs of improvements in the amount of \$135,147.19 (the "City's Zone II Portion").

Benefited properties within the Assessment Area will be assessed by square footage or by lineal front footage as set forth in the Notice of Intention.

The Board of Equalization and Review for assessments proposed to be levied on the affected property within the Assessment Area will meet in the first floor conference room at 349 South 200 East, Salt Lake City, Utah, on April 28, 2009, between the hours of 3:00 p.m. and 4:00 p.m.; on April 29, 2009, between the hours of 5:00 p.m. and 6:00 p.m.; and on April 30, 2009, between the hours of 6:00 p.m. and 7:00 p.m. to hear and consider any objections to and make any corrections of any proposed assessments that the Board may deem unequal, inequitable, 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 March 24, 2009.

(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 the first publication of such notice be mailed, postage prepaid, to each owner of land to be assessed within the Assessment Area 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 March 24, 2009.

(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 March ____, 2009.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this March ____, 2009.

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, March 24, 2009, 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 #102145 and Lyman Court #102146 Special Assessment Area (the "Assessment Area") 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 March 24, 2009.

(SEAL)

By: _____
Deputy City Recorder

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

MAILING CERTIFICATE

I, _____, the duly appointed, qualified, and acting 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 #102145 and Lyman Court #102146 Special Assessment Area, 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 March _____, 2009, 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 March __, 2009.

(SEAL)

By: _____
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 March 24, 2009, 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 March __, 2009, 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;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule A, to be delivered to the Deseret News on March __, 2009, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2009 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be (a) posted on _____, at the principal office of the City Council, (b) provided to at least one newspaper of general circulation within the Issuer on _____, and (c) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this March 24, 2009.

(SEAL)

By: _____
Deputy City Recorder

SCHEDULE A
NOTICE OF MEETING