MINUTES OF A SPECIAL MEETING
OF THE BOARD OF LOCAL IMPROVEMENTS

JULY 12, 2012

A Special Meeting of the Board of Local Improvements convened at 5:04 p.m. on Thursday, July 12, 2012 at 3505 N. Dries Lane, Public Works Operations Facility, Peoria, Illinois and was called to order by President Gene Hewitt.

ROLL CALL

Roll call showed the following Board of Local Improvements Members in attendance: President Gene Hewitt, Secretary Randall Ray, Board Member Erle Currie, and Board Member Jeff Smith - 4; Absent: Board Member Amy Benecke McLaren - 1.

Others in attendance included City Project Engineers Scott Reese and Steve Letsky, Steve Kerr of Mohr and Kerr Engineering, and Administrative Specialist Ruth Biancaflor.

MINUTES

Board Member Currie moved to approve the Minutes of the Special Meeting of August 16, 2011, as printed; seconded by Board Member Smith.

Approved by viva voce vote.

ITEM NO. 1 A. Update on Engineering Program and Pending Special Assessment Projects, Including Survey Results Gauging the Current Level of Interest by Property Owners:

1. Elizabeth Street (from Flora to Sheridan) Ornamental Street Lighting Improvement Project;
2. N. Flora Avenue (from Main to Columbia Terrace) Ornamental Street Lighting Improvement Project;
3. Twelve Oaks Drive (from Hudson, north to the Dead End) Ornamental Street Lighting Improvement Project;
4. Avalon Place (from West Hudson to W. Forrest Hill Ave. and from W. Albany to Buehler Home) Ornamental Street Lighting Improvement Project.

Board Member Smith discussed the pending projects. He stated these were the only pending Special Assessment Projects and they were all ornamental lighting improvement requests. Regarding the Avalon project, he explained it had been approved by the Board and that bids had been received, but rejected, as they came in over estimate. He said the liens had been filed on the properties and, in the interim before it was constructed, there was at least one property owner who wanted to sell her property but was unable to pay the lien. The City Manager decided to eliminate the liens on all the properties and, therefore, he said the Avalon project would have to start over.

Since it had been quite a while since the receipt of the original petitions and because of recent concerns about delays, Mr. Smith explained that in February the City had sent out a letter to re-survey the property owners for their current interest in going ahead with the projects. He discussed the results of the surveys and the budgets for the projects. When considering only the favorable votes, he said it appeared only one third of the current property owners were interested in the projects. Therefore, he said, the question before the Board was whether or not there was enough support to move forward with the projects.

Board Member Smith further stated there were no future funds budgeted in the Community Investment Plan (CIP) for Special Assessment projects, so there was no reason to accept any future Petitions.
B. CONSIDERATION of RECOMMENDATION of the CONTINUED DEVELOPMENT for Design and Construction of the following Projects:
1. Elizabeth Street (from Flora to Sheridan) Ornamental Street Lighting Improvement Project;
2. N. Flora Avenue (from Main to Columbia Terrace) Ornamental Street Lighting Improvement Project;
3. Twelve Oaks Drive (from Hudson, north to the Dead End) Ornamental Street Lighting Improvement Project;
4. Avalon Place (from West Hudson to W. Forrest Hill Ave. and from W. Albany to Buehler Home) Ornamental Street Lighting Improvement Project.

President Hewitt stated discontinuing the funding for this Program was of great concern to him, since he had always believed Special Assessment projects positively impacted the neighborhoods, and he questioned if there had been a change in the city’s philosophy.

Board Member Smith stated that, due to the direction the CIP was taking, it was last year’s decision to do this. He explained that pavement preservation was not being funded over the past several years, and that there was no preventative maintenance program in place. Through some transfer of funds, he said the arterial overlay program ended up with $4 million annually, which was being focused on University, Sheridan, and McClure over the next few years. He said that was good, but still not enough funding. The CIP focus, now, he said was to work on the major roads that handled more traffic. And, with the growth in the north end, he said projects such as Pioneer Parkway extension and Orange Prairie Road extension were added to the CIP. There was $15 million funded but $18 million needed for the Orange Prairie Road project, he said. Regarding the proposed Allen Road project, he said the City Council may want to fund the City’s share of the improvement, as opposed to doing jurisdictional transfers. For all of those reasons, he said he didn’t foresee the Special Assessment Program coming back this year or in the foreseeable future.

President Hewitt discussed past MFT funding of eligible projects, but he said he didn’t advocate that. He reiterated his disappointment and his feeling that the Program was a very positive vehicle for the neighborhoods to make improvements. He said he understood the problems with funding and catching up with the backlogs but that he would like the Board to pass a Resolution in favor of the City keeping the Program alive, over time. Regarding the four proposed lighting improvements being considered, he said if the money for these projects was funded in the CIP, then he supported moving them ahead.

The Board discussed the 50:50 funding share on these four proposed lighting projects. It was noted that the City’s share for the total estimated cost of all four projects was approximately $130,000.

Board Member Smith noted City engineering staff was no longer designing projects in-house, but that it may be possible to add these projects to one of the engineering consultant agreements. However, given the low percentage of interest from current property owners, he questioned whether that was even wise to pursue.

President Hewitt noted the projects all had majority petitions as a result of the formal process.

Board Member Currie stated the favorable surveys received back were only an indication of the ones who answered.

Secretary Ray stated the matter should go before the City Council so that if the property owners wanted the lights, they should go before their elected officials to make the decision.

President Hewitt agreed and he stated the property owners should be notified that the projects were going before the City Council for decision.

Secretary Ray moved to forward the question of the continued development for design and construction of the Elizabeth Street (from Flora to Sheridan), the North Flora Avenue (from Main Street to Columbia Terrace), the Twelve Oaks Drive (from Hudson north to the Dead End), and the Avalon Place
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(from West Hudson to West Forrest Hill Avenue and from West Albany to Buehler Home) Ornamental Street Lighting Projects to the Peoria City Council for direction; seconded by Board Member Currie.

Approved by viva voce vote.

There was a brief recess of the meeting to await the beginning of the Public Hearing.

ITEM NO. 2 PUBLIC HEARING:
In the Matter of the Construction of the Following-Described Proposed Improvement: The W. STONEGATE ROAD (N. SHERIDAN ROAD TO NORTH STREET) SIDEWALK AND ROADWAY IMPROVEMENT PROJECT the Net Length of 1340.5 Feet or 0.254 mile; [Council District 3].

At 5:33 p.m. President Hewitt announced the Public Hearing regarding the construction of the proposed improvement known as the West Stonegate Road Sidewalk and Roadway Improvement Project (from North Sheridan Road to North Street). He stated that, since the mailing of the Notices of Public Hearing, the City Engineer's office had received 1 telephone call opposing, 1 general inquiry, and 2 favorable inquiries regarding the project.

President Hewitt gave the attached presentation and then opened the floor for questions concerning the Project. Eight (8) properties were represented at the Public Hearing.

Issues and concerns addressed by citizens included:

Mr. Bob Sollberger resident of 513 West Stonegate Road, expressed concern regarding the current elevation of the pavement and that the plans indicated removal of only 1 7/8 inches of pavement before the overlay. He said, over the 22 years he was a resident there, the elevation of the road kept going up and his property had a drainage problem which affected his neighbor's property. He said the curb had totally disappeared on the opposite side of the road and that the grade on his property was nil. Also, he asked to know the plans for parking on the street during the construction activities.

President Hewitt stated the residents would be restricted to parking on the opposite side of the street away from the construction work during the day, but that the roadway would be open in the evenings.

Mrs. Lisa Sollberger resident of 513 W Stonegate Road, said their yard never used to be lower than the roadway but now it affected the entire yard.

As a result of the discussion, Engineers Reese and Kerr stated they would further review the issue but that they did have it designed for the driveway to be pitched back quite a bit. They said they would have to take some cores to measure the pavement thickness because, if too much of the pavement was taken out, it would lose its structural strength.

In discussion with President Hewitt regarding in which direction his front yard drained, Mr. Sollberger stated it drained toward Wyss Lane and that, on the east side of his house, it drained toward the back of his property.

Ms. Ruth Livingston resident of 605 W. Stonegate Road, stated the northeast corner of the intersection of Pleasant Ridge and Stonegate flooded when it rained.

Engineers Reese and Kerr stated that the area where the water was ponding now would drain to a new inlet that would be constructed as a part of this project.

Ms. Linda Stout resident of 4511 N. Wyss Lane, said she was very directly affected by the drainage on the project and she wanted to thank her neighbors for trying to assist her. She gave Engineer Kerr a large photo display depicting the drainage problems and he said he would scan and copy them and have them returned to her. She stated that the water that doesn’t puddle drains on down Stonegate.
Mr. Sollberger stated that it also drains off the cul-de-sac and dumps into the ditch in front of 521 West Stonegate Road and then goes under and over his driveway.

Engineer Kerr stated that construction of the new curb, gutter, and storm sewer on Stonegate should control the rain water except in overwhelming storms. He said they were aware of the drainage problems on Stonegate but were not aware that there were also problems from Pleasant Ridge. He said he would meet with Mr. Sollberger and would look into it further to address it in the plans.

Mr. Christopher Vespa, resident of 423 W. Stonegate Road, stated he had three concerns regarding the statement that existing structures would be adjusted as necessary. He stated he had a flagstone retaining wall and he questioned if any new wall would match his flagstones. He said he had an existing light that would be disturbed and that he had a large maple tree that had already been affected by power company trimmings. Since his yard was about 3 feet higher than Stonegate Road, he said he was concerned that the tree’s largest roots would be damaged and he would lose the tree.

Engineer Reese stated that the retaining wall could be reconstructed with flagstone if that was what Mr. Vespa preferred. Regarding the retaining wall, he said that the engineering standard was to not disturb any root larger than 2", which was typically the structural root. Further, he said if the cross slope doesn’t change, it wouldn’t be cut in it that much.

Engineer Kerr stated the back of walk was cut about 8 inches in, so it shouldn’t be significant.

Mrs. Sollberger questioned if the mailboxes would be relocated up to their houses and if the light poles would be moved back or stay in their same locations.

Engineers Reese and Letsky answered that the plan included temporary mailbox locations but that they would be returned to their current locations eventually, and that the City would encourage Ameren to move the light poles to the back of the sidewalk.

Mr. Craig Alger, resident of 4506 Wyss Lane, stated he had owned his property only two years and he questioned if the Code required sidewalks. He also questioned if it was too late to file a petition in opposition to the project.

President Hewitt stated a majority petition requesting sidewalk on both sides of the street had been accepted by the City’s Board of Local Improvements, and he again explained the Notice of Special Assessment letter would provide a date by which the residents could file their objections with the Circuit Court.

Mr. Gene Wieland, resident of 4421 N. Wyss Lane, questioned if the fire hydrants would stay in place and if his retaining walls, which were about 10 feet and 8 feet back from the curb, would be affected by the construction.

President Hewitt stated the relocation of the fire hydrants would be determined by the water company, but that they would probably stay close to the curb, and Engineer Letsky stated he believed Mr. Wieland’s retaining walls would not be damaged.

In discussion with Mrs. Sollberger regarding the property owner’s liability after sidewalk construction, Board Member Smith explained maintenance responsibilities and the guidelines for the determination of hazardous walk. He also explained the 80:20 cost shares under the City’s Sidewalk Participation Plan.

In further discussion with Mrs. Sollberger, Mr. Smith stated the sidewalk would be constructed with handicapped accessible ramps at the intersections.
Ms. Livingston mentioned the statement in the Public Hearing Notice that the residents should move plants and fences currently within the right-of-way, and she questioned when the project would begin because she said she had a large brick monument and a fence to move. She said she would prefer that the contractor remove them.

President Hewitt stated it was, technically, the property owner’s responsibility to move the items but that if she didn’t mind the contractor disposing of them, it shouldn’t be a problem. The beginning of the project was uncertain, he explained, since the effect of the newly discussed drainage issues on Pleasant Ridge Court would have to be determined.

In discussion with Ms. Livingston regarding her concerns about a star magnolia tree on her property being harmed by the excavation, Engineer Kerr agreed to meet with her to discuss routing the sidewalk around it.

In discussion with Mr. Sollberger regarding the working days on the project, Engineer Reese stated the completion of the work should take about three months. In response to Mr. Sollberger’s concerns regarding the quality of the sidewalk should the construction begin in late fall, Mr. Reese stated city engineers would not allow the contractor to start the work if they couldn’t complete at least one side of the project before winter. He also discussed requirements for state-certified concrete mixes and he explained that a one-year guarantee on all concrete was written into city contracts.

There being no further discussion, Board Member Currie moved to close the Public Hearing; seconded by Board Member Smith.

Approved by viva voce vote.

The Public Hearing regarding the West Stonegate Road Sidewalk and Roadway Improvement Project (from Sheridan Road to North Street) closed at 6:35 p.m.

ITEM NO. 3 CONSIDERATION of RECOMMENDATION of an ORDINANCE Concerning the Proposed Public Improvement of the W. STONEGATE ROAD (N. SHERIDAN ROAD TO NORTH STREET) SIDEWALK AND ROADWAY IMPROVEMENT PROJECT to the PEORIA CITY COUNCIL for APPROVAL. [Council District 3].

Board Member Currie stated if the water problem created an increase in the cost of the project from that which had been presented at the meeting, then that would cause a problem in apportioning it and in recommending it to Council.

President Hewitt stated the residents may not understand the difference in what they were experiencing today and how the curb and gutter was going to work.

Engineer Reese stated that the poor drainage issue had been Councilman Riggenbach’s biggest concern about his street.

Engineer Kerr said he hadn’t wanted to minimize the drainage issue but he didn’t realize that water was also coming from Pleasant Ridge Court. However, he said the bigger budget issue was changing the height of the roadway. Some of the work was already in the project budget, he said, and the new area of the road discussed tonight was about 14 to 15 feet wide, so it wasn’t like doing a whole reconstruction.

Board Member Smith discussed the importance of the unanswered questions. He said if the drainage issues caused reconstruction of the road, that may or may not change the estimate, and he noted that relocation of the power poles had not been coordinated with Ameren. He also discussed locating the mailboxes within 2 feet without protruding behind the curb. With those levels of questions, he said he recommended that Mr. Kerr should spend more time on the project and revisit the cost estimate and then the Board may recommend the project to City Council once it was sure the cost estimate would support it.

Engineer Reese said they had also learned tonight that there was a section of buried curb that hadn’t been picked up on the survey.
In discussion with Secretary Ray, the Board learned another public hearing would not be necessary in order to advance the project to the City Council.

Board Member Currie moved to defer action on the recommendation of an Ordinance to the City Council for approval until the Board was notified of the outcome of the engineering review and had further discussion of the matter; seconded by Secretary Ray.

President Hewitt instructed Engineer Kerr to take minutes of his meetings with the residents concerning the drainage issues on the street and to send a copy of those to the residents to give them a chance to make additions, if necessary. Once there was concurrence with the residents, he instructed that those Minutes should be copied to the Board of Local Improvements and become a part of the Minutes of this meeting.

Motion to defer action on the recommendation of an Ordinance to the City Council for approval until the Board was notified of the outcome of the engineering review and had further discussion of the matter was approved by viva voce vote.

**ITEM NO. 4 OTHER ITEMS OF INTEREST TO THE BOARD:**

There were no other items of interest to come before the Board for discussion.

**CITIZENS' OPPORTUNITY TO ADDRESS THE BOARD**

After three calls, President Hewitt determined there were no citizens present who wished to address the Board.

**ADJOURNMENT**

There being no further discussion, Board Member Currie moved to adjourn the meeting; seconded by Board Secretary Ray.

Approved by viva voce vote.

The Special Meeting of the Board of Local Improvements adjourned at 7:06 p.m.

[Signature]
Gene Hewitt, President
Board of Local Improvements

/mb
Attachment
W. STONEGATE ROAD

IMPROVEMENT PROJECT

It is now 5:30 p.m. and time to convene the Board of Local Improvements hearing for the improvement known as the W. STONEGATE ROAD IMPROVEMENT PROJECT. This project will include improvements to W. STONEGATE ROAD from N. SHERIDAN RD. to NORTH STREET. The improvements have a net length of 1340.5 feet or 0.254 miles.

Before we begin, I would like to introduce the members of the Board of Local Improvements and the other people present at the table. Members of the Board present are: Erle F. Currie, Amy Benecke-McLaren, Jeff Smith City Engineer, and Randall Ray, Corporation Counsel for the City of Peoria and Superintendent of Special Assessments; City Staff: Project Engineers Scott Reese and Steve Letsky, Ruth Blancoflor, our secretary, and I am Gene Hewitt, President of the Board of Local Improvements.

(Recognize any Council Members present)

[maybe Tim Riggenbach—he’s a property owner there]

This project began with discussions with a neighborhood representative from W. Stonegate Road in the spring of 2008. Discussion resulted in a Petition for these improvements being sent out on June 25, 2008. This Petition was returned to the City on October 17, 2008 with signatures of property owners representing 69.78% of the frontage on the project. The Board of Local Improvements accepted the petition at their meeting on March 9, 2009. The petition was placed on the list of projects for improvements.
It is the purpose of this hearing to formally present the plans for this improvement to you. Your presence here tonight indicates that you have received notices of this meeting. Notices were mailed by common mail to the owners of record who paid the last general taxes. In those cases where notices were returned, we have attempted to locate the new owners.

You received in our notice an explanation of a public hearing. I would like to review the purpose of a public hearing to help clarify any questions you might have. Generally, the law governing special assessments provides an opportunity for any person at the public hearing to be heard by the Board of Local Improvements concerning the necessity for the improvement, the nature of the proposed improvement, and the estimated cost thereof. One question that often comes up is about the assessments. Generally, the questions are individual in nature, and we would prefer to discuss them with you after the hearing. They do require review by the Superintendent of Special Assessments and eventually concurrence by the Circuit Court, before they become final.

There are some aspects of the Special Assessment process that can be confusing. We get questions from property owners as to when the assessment is final. The assessment is final after the Circuit Court confirms the assessment roll and it is recorded in the Recorder of Deeds' Office. This action creates a lien on the property. Since the lien is not created until after the Public Hearing, there is a possibility that a property could be sold between the time the petition is accepted and funded and the hearing is held, causing the new owner to be unaware of the project.
With a high demand for projects and funding variability, and the time between receipt of the petition and the project moving to the public hearing stage, the City had recently made some changes in their process. With the updating of the City's web site potential projects will be posted and their status updated. The web site can be found at ci.peoria.il.us. In addition to the web site updates, the City will send a notification to property owners affected by the project that a majority petition has been received. The notification will also give an estimate when the project would be considered for construction based on funding history and the number of projects. The City will also provide an update on the status on an annual basis when, as a part of the budget process, the annual allocation is approved.

In the case that a project has a confirmed assessment roll, the question often arises as to the payment of the assessment if the property is sold. The payment is between the buyer and seller. Payments can be made over the life of the assessment. However, it is the responsibility of the parties to the sale to make certain that the City is notified of the change in ownership. The City is under no obligation to determine the ownership of property once the roll has been compiled. Annual invoices are sent to the named owner on the original roll unless we are notified of an ownership change. If notification is sent to the old owner and the assessment is not paid, the property could be sold for unpaid assessment. This could result in the loss of the property.
I would like to give you some idea of the steps the project will go through in the coming weeks. This project is a majority petition; the Board may adopt, modify the project or reject the project. Assuming the project is approved, the Board will pass a Recommendation and Ordinance for the project. After the Board approves the project, these documents will then be presented to the City Council for their approval. The City Council has the same ability to accept, modify or reject the project.

With the City Council's approval of the project, we will then file the assessment roll, the Recommendation, and the Ordinance in Court. At the time the assessment roll is filed in Court, you will receive a "Notice of Special Assessment" letter giving the date; time and place the Court will entertain objections to any assessment. This is not a bill for the assessment. You may, at that time, enter your objections to the assessment with the Court. Until the Court confirms the assessment roll by disposing of any objections, the figures that are given in the "Notice" letter are not official.

After the Court has confirmed the assessment roll, the roll is recorded with the Recorder of Deeds at the County. The action of recording the assessment roll creates the lien on the property on the project. After the Court approves the assessment roll, the Project will be advertised and bids will be received. The project is awarded to the lowest responsible bidder. Once construction begins on the project, after the Contractor receives his first payment and the Circuit Clerk certifies the collection of the assessment, bills will be sent indicating the amount of the special assessment due in
total and the first installment. You have an option of paying either the total bill or just the first installment.

The first installment will be due on January 2, 2013, but if you pay the first installment within 60 days of your receipt of the assessment, there will be no interest added. If you wait to make the payment at the due date, interest will be charged from the date the bills were sent. The interest rate for this project is 3.25%. Interest is figured once a year on the unpaid balance. Installments 2 through 10 will be due in succeeding Januaries.

The proposed improvement as shown on the walls calls for the improvement of this project will include improvements to W. STONEGATE ROAD from N. SHERDAN RD. to NORTH STREET. The improvements shall consist of resurfacing the existing pavement with bituminous concrete having a thickness of one and one half inches (1 1/2"); all existing curb and sidewalk will be removed and replaced with property-line sidewalk having a width of five feet (5’), including curb; all existing driveway approaches will be removed and replaced with PCC driveway pavement along the roadway; existing entrance walks and driveways behind the sidewalks shall be removed and replaced for adjustment purposes only, as necessary. Additionally, a new storm sewer system will be constructed with new inlets and manholes. All disturbed areas will be restored with sod. Adjustments to existing driveways and entrance walks behind the sidewalk will be made as required. **After the improvements are completed the street will be 30 ft. wide between the curbs**
We often receive inquiries from residents along our projects about having other, private work done by our contractor while the project is underway. This work is usually new driveways and sidewalks. We do not object if our contractor does this work for you while they are on the project. However, the decision is the contractor's. Your resident engineer will direct you to the contractor's representative to receive information. We cannot add any additional public or private work to your assessment since the budget for the project is set. You are not restricted to using the City's contractor for private work—you may choose a different one. The City's resident engineer will coordinate the work with our project.

The estimated cost for this project, including construction and project costs, is approximately $743,200.00 with the City paying $690,293 or 92.88% of the cost. The proposed assessment rate for this project is $28.68 per front foot.

We intend to put this project under contract this year. With normal weather this year, the project should be completed this year. If the project cannot be completed, it will be left in a safe condition for the winter. One decision that will be made later will be if the sod work is done this year or held to next spring. Given the weather we will be looking for the best outcome for new sod. We will ask that you water the new sod when it is installed and after the contractor has been released on the project. This information will be covered in the News Letter.
Before the project starts, you will receive a Project Newsletter from the City giving you the name of the contractor, your resident engineer, and phone numbers for several people involved in the project. For both the contractor and resident engineer, it will provide a brief biography. You will also get a tentative schedule for the project and answers to many of the frequently asked questions we receive. I do want to stress that your resident engineer is your best source of information. If you have questions or problems, please contact your resident engineer first. The resident engineer has a cell phone equipped with voice mail.

This concludes our formal presentation. At this time, I would like to open the floor to questions. I would ask that each time you speak please give your name and address to our secretary, who will keep a record of what is said, and keep in mind that the purpose of the Hearing is for the Board to receive your comments concerning the extent, nature, kind, character, and estimated cost of the proposed improvement. Due to the acoustics in the room, sometimes it is difficult for us to get names, so please repeat your name each time that you speak. I would like to stress again that, if you have individual questions concerning your own assessment, please hold those until after the hearing, and we will be happy to try to answer them.

Since the mailing of the Notice of Public Hearing, my office has received one (1) phone call in opposition to the project, one (1) general inquiry, and two (2) inquiries in favor of the project.
HOW MANY HOUSEHOLDS INVOLVED IN THIS IMPROVEMENT ARE REPRESENTED AT THIS PUBLIC HEARING?

Now we will be happy to answer your general-topic questions.