

**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF LOCAL IMPROVEMENTS**

MARCH 9, 2009

A Special Meeting of the Board of Local Improvements convened at 5:03 p.m. on Monday, March 9, 2009, at City Hall, Room 400, 419 Fulton Street, 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, Board Member Jeff Smith, and Board Member Amy Benecke-McLaren – 5; Absent: none.

The Board welcomed new Board Members Jeff Smith and Amy Benecke-McLaren. President Hewitt advised that Jeff is the new City Engineer and Amy is Chief Design Engineer for Peoria County Highway Department.

Others in attendance included Project Engineers Mike Taylor, Marvin Shoop, and Scott Reeise, Attorney Scott Brunton, and Engineering Division Secretary Ruth Blancaflor.

MINUTES

Board Member Currie moved to approve the Minutes of the Special Meeting of the Board of Local Improvements held on December 19, 2008, as printed; seconded by Board Secretary Ray.

Approved by viva voce vote.

**ITEM NO. 1 APPROVAL of PETITIONS FOR SUBDIVISION REAPPORTIONMENT of
SPECIAL ASSESSMENT FOR GROWTH CELL 1A ROADWAY
IMPROVEMENTS IN RE: 06-TX-220 and 06-TX-221, as follow:**

- A. TRAIL VIEW ESTATES EXTENSION NO. ONE;**
- B. TRAILS CROSSING SUBDIVISION PHASE ONE;**
- C. FIELDS CROSSING SUBDIVISION;**
- D. COPPER CREEK SUBDIVISION;**
- E. HUNTERS TRAIL ESTATES;**
- F. ATTINGHAM PARK SUBDIVISION.**

Regarding these assessment cases, President Hewitt explained that, as the land had been developed and lots had been created, the assessments were being changed from a per parcel basis and apportioned to the lots. Attorney Scott Brunton concurred.

Secretary Ray further explained that the Board needed to approve the reapportionments in order for them to be filed with the Circuit Court. He concurred with Board Member Currie that it basically was an amendment of the assessment rolls.

Board Member Currie moved to approve the Petitions for Subdivision Reapportionment of Special Assessments for Growth Cell 1A Roadway Improvements, Case Numbers 06-TX-220 and 06-TX-221 for Trail View Estates Extension No. One, Trails Crossing Subdivision Phase

One, Fields Crossing Subdivision, Copper Creek Subdivision, Hunters Trail Estates, and Attingham Park Subdivision, as outlined; seconded by Secretary Ray.

Approved by viva voce vote.

Discussion regarding Growth Cell 1A Phase II project Wilhelm Road and Bridge

Secretary Ray stated that a meeting would be scheduled within the next couple of weeks regarding whether or not this bridge would be constructed this year. He said there may need to be a change to the intergovernmental agreement and that Peoria County representatives would be invited to the meeting.

President Hewitt said he was seriously concerned about the daily rising costs and he said it was his contention that the owner/developers should pay for the costs caused by the delay. He said it presented an unfair burden on the County, which is paying the cost through their tax increment. He noted the project had been delayed for over a year.

As far as the design of the bridge beams is concerned, Board Member McLaren stated the pre-cast companies were still keeping one or two old bed configurations but, as soon as they stop seeing them on the lettings, she said they will take those out of service.

Further, President Hewitt stated that when the old configurations were taken out of service, the project would have to be redesigned. He said the specifications on the bridge deck beams had changed and we took the option of going ahead with what we had; but, a year later, he said more and more of the projects out for bidding were under the new standard. He explained that the precasters had reduced the number of forms they have to make the old beams and they would keep those only until they didn't see any more projects with that design coming through. He said that scenario would cause a redesign of the bridge.

Attorney Scott Brunton, representing the developers, said he didn't have that much information before. He said he understood the Board's position but his clients' position was that the cost was more than was ever anticipated. He said he was glad the project was moving in the direction of a meeting of the parties.

Board Member Currie stated he didn't see any reason to let it drag on. He said having to redesign the project would make it worse and that they should go ahead and let the project.

ITEM NO. 2 RECEIVE AND FILE AND REFER TO THE ENGINEERING DIVISION THE MAJORITY PETITIONS REQUESTING THE FOLLOWING IMPROVEMENTS:

- A) STONEGATE ROAD from Sheridan Road to North Street, 69.78% majority requesting construction of concrete curbs, sidewalks, driveway approaches, a bituminous overlay and adjustments [*Council District 3*];**
- B) TWELVE OAKS DRIVE from Hudson Street north to the Dead End, 74.11% majority requesting new city-standard ornamental street lighting system [*Council District 2*];**
- C) ELIZABETH STREET from Flora Avenue to Sheridan Road, 61.31% majority requesting new city-standard ornamental street lighting system [*Council District 2*];**
- D) N. FLORA AVENUE from Main Street to Columbia Terrace, 51.53% majority requesting new city-standard ornamental street lighting system**

***[Council District 2]**with recommendation from Staff to combine with the ELIZABETH STREET project.**

Project Engineer Marvin Shoop gave a background on the projects. Regarding the Stonegate petitions, he said this latest project request would completely rebuild this roadway, between North Street and Sheridan Road. Regarding Elizabeth Street, he said both Elizabeth and Flora were in The Orchard District. He said these neighborhood representatives had been working on a majority petition for the past seven to eight years. He said all of these projects were ready to go.

In discussion with Board Member Smith regarding staff's note recommending combining the Elizabeth Street and Flora Avenue projects, President Hewitt stated that projects usually were combined after the assessment process when they would be combined for bid letting. He said when the projects reached close-out, they would again be separated for final cost purposes.

In further discussion with Secretary Ray, Mr. Shoop agreed that the Hetherwood and Suffolk Drive projects would be combined with the other Lynnhurst lighting project and that they would be constructed this year. However, he said, the majority petitions they were accepting tonight would likely be completed for design, but not necessarily construction, this year.

Board Member Smith stated the properties being assessed would received a letter from the Engineering Division notifying them of these pending projects. He stated the information would also be posted to the city's web site as pending assessment projects.

Board Member Smith moved to accept the majority petitions for improvements to STONEGATE ROAD from Sheridan Road to North Street, TWELVE OAKS DRIVE from Hudson Street north to the Dead End, ELIZABETH STREET from Flora Avenue to Sheridan Road, and N. FLORA AVENUE from Main Street to Columbia Terrace, as outlined, and refer them to the Engineering Division for further development; seconded by Board Member Currie.

Approved by viva voce vote.

ITEM NO. 3 OTHER ITEMS OF INTEREST TO THE BOARD:

- A) Approval of PAY ESTIMATE #4 & FINAL for the NORTH AVALON PLACE ROADWAY AND PEDESTRIAN SCALE LIGHTING IMPROVEMENT PROJECT (BETWEEN HUDSON AND ALBANY);**
- B) Approval of PAY ESTIMATE #2 & FINAL for the MELBOURNE AVENUE ORNAMENTAL LIGHTING PROJECT (BETWEEN SHERIDAN RD AND TO EAST OF BOOTZ STREET);**
- C) Approval of PAY ESTIMATE #7 & FINAL for the N.E. MONROE STREET ORNAMENTAL LIGHTING & ROADWAY IMPROVEMENT (WAYNE TO SPRING).**

Board Member Currie moved to approve the Final Pay Estimates as outlined in Items A through C; seconded by Secretary Ray.

Approved by viva voce vote.

ITEM NO. 4 PUBLIC HEARING – Regarding the Construction of the Proposed Improvement Known as the HETHERWOOD DRIVE AND SUFFOLK DRIVE (SOUTH OF BRIDALWOOD DRIVE) ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT IN LYNNHURST SUBDIVISION, the Net Length of 1,983 Feet; [Council District 5].

At 5:30 p.m., President Hewitt announced the Public Hearing regarding the construction of the improvement of the Hetherwood Drive and Suffolk Drive (South of Bridalwood Drive) Ornamental Street Lighting Improvement Project in Lynnhurst Subdivision. He stated that, since the mailing of the Notices of Public Hearing, the City Engineer's office had received one call in opposition to the project and one inquiry of a general nature regarding the project.

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

President Hewitt explained the Board was presenting the plans for the improvement to the property owners in compliance with City Council action. He said the proposed project would be combined with the first phase so that the projects would be let for bids as one project.

Issues and concerns addressed by citizens included:

Ms. Sue McIntyre, resident of 6306 N. Suffolk Drive, Peoria, spoke in opposition to the project. She said when she left the Council meeting where the project excepting Hetherwood and Suffolk was adopted she thought the matter was concluded. She questioned when these streets were added back as a project. She also questioned how the cost of the project was determined.

President Hewitt answered that the City Council directed the project be initiated. He said the costs were determined through an Engineer's Estimate and that the cost to the property owner was firm.

Secretary Ray added that the project was a Council Agenda item published with the Council Agenda just like any other agenda item. He said the Agenda is posted in the City Clerk's Office and on-line on the city's web site.

Ms. McIntyre presented a petition in opposition to the project, signed by the property owners on Suffolk Drive south of Bridalwood.

Secretary Ray moved to receive and file the petition and to make it the property of the Board of Local Improvements; seconded by Board Member Currie.

Approved by viva voce vote.

Mr. Brad Dunham, resident of 6200 N. Suffolk Drive, Peoria, spoke in opposition to the project. He said he appreciated the Board's acceptance of the latest response from the neighborhood. He said he had reviewed the Council Resolution returning the project to the Board and directing that it be approved. He expressed concern because, originally, he said the public hearing was to hear the pros and cons but he sensed that was not the purpose of the meeting tonight. He said the Resolution sending the project back to the Board mentioned a finding by the City Council that the residents of the Lynnhurst Subdivision desired that the entire subdivision be treated the same. He said all of the petitions in the matter had hovered about 50% and the

petition just received by the Board tonight had 9 out of 11 properties, for a majority, still contrary to the lights going in.

Mr. Dunham further expressed concern that the finding of the City Council was not based on any petition or findings, per se, but was a statement to put it back before this Board. Therefore, he questioned whether or not it was a correct finding by the Council that the entire Subdivision wanted to be treated the same.

Secretary Ray stated it was not a necessary finding and, secondly, he said what the Council was hearing was from people who didn't want these but who did want the entire subdivision treated the same.

Mr. Dunham also mentioned Councilman Sandberg's comments specifically stated to the question in the Council Minutes that he was aware of many special assessment projects where he remembered not the entire subdivision being included. He said projects were done street by street. Therefore, he said, if it's not required and it's not mandatory, in consideration of the history of the project, the divisions it was making in the neighborhood, and because of the great opposition on Suffolk south of Bridalwood, he asked that the exception be included.

President Hewitt stated that Mr. Dunham's observations and the petition received tonight would be part of the record that went forward. Further, he stated there were four petitions on the Board's agenda discussed earlier tonight where they accepted lighting projects on four individual streets, so it was not unusual. At the same time, he said there was a current project in The Knolls Subdivision where the entire subdivision was included in the project.

Mr. Steven Bonfoey, resident of 4620 W. Hetherwood Drive, Peoria, questioned which Council Member made the motion to approve the Resolution bringing the project back to the Board.

President Hewitt stated he did not have that information available tonight.

Ms. McIntyre expressed concern that the project started in 2000 or 2001 and it was now coming forward in trying economic times.

President Hewitt said he understood her frustration. He noted that, in a letter to the neighborhood representatives at the time, due to the project backlog at the time and the competitive funding levels being experienced, city staff predicted it may be 2008 before the project came forward. He said the current project originated in a directive from the City Council.

Mr. Robert Wynn, resident of 6203 N. Suffolk Drive, Peoria, stated when the original petition was discussed the neighbors were asked if they would be in favor of the neighborhood representatives making an inquiry of the price of the project. During the second process, he said the neighbors still did not get complete information and so he expressed further concern regarding the cost of the project.

President Hewitt stated that the petitions clearly state what they are for and that city staff does not go out and circulate the petitions. He said that is up to the neighborhood and the city cannot be responsible for what is said. He said the Lynnhurst Neighborhood Association posted information regarding the project to its web site in its quarterly newsletter. He said city staff gives the neighborhood representatives as much information as they can for those representatives to have while circulating the petitions. However, he said, the City of Peoria was changing the special assessment process to respond back to residents about pending projects and that pending projects will be posted to the city's web site, for better notification procedures.

Mr. Jim Flannelly, resident of 6206 N. Suffolk Drive, Peoria, questioned when the project would again come before the City Council for approval and when this Board would vote on the project.

Secretary Ray explained the process by which the items on the Council Agenda are noticed. He said the Council Agenda was posted to the city's web site www.ci.peoria.il.us the Wednesday afternoon prior to the Tuesday Council Meeting. Also, he said the Board of Local Improvements would be voting on the project tonight, further in their Agenda.

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

Approved by viva voce vote.

The Public Hearing regarding the Hetherwood Drive and Suffolk Drive (south of Bridalwood Drive) Ornamental Lighting Project closed at 6:00 p.m.

REQUEST TO MOVE AGENDA ITEMS

Board Secretary Ray moved to move the discussion of Agenda Item #6 forward on the Board's Agenda so this item could be discussed at this time; seconded by Board Member Benecke-McLaren.

Approved by viva voce vote.

ITEM NO. 6 CONSIDERATION of RECOMMENDATION of ORDINANCE Concerning the Proposed Public Improvement of the HETHERWOOD DRIVE AND SUFFOLK DRIVE (SOUTH OF BRIDALWOOD DRIVE) ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT IN LYNNHURST SUBDIVISION to the PEORIA CITY COUNCIL for APPROVAL.

Secretary Ray moved to approve the recommendation of an Ordinance Concerning the proposed Public Improvement of the Hetherwood Drive and Suffolk Drive (South of Bridalwood Drive) Ornamental Street Lighting Improvement Project in Lynnhurst Subdivision to the Peoria City Council for adoption; seconded by Board Member Smith.

Approved by Roll Call Vote.

Yeas: Hewitt, Ray, Currie, Smith, Benecke-McLaren – 5.

Nays: None.

ITEM NO. 5 PUBLIC HEARING – Regarding the Construction of the Proposed Improvement known as the COLUMBIA TERRACE (FROM UNIVERSITY STREET TO NORTH STREET) SIDEWALK AND ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT, the net length of 3926 feet or 0.74 mile. [Council District 2].

At 6:04 p.m., President Hewitt announced the Public Hearing regarding the construction of the Columbia Terrace (From University Street to North Street) Sidewalk and Ornamental Street Lighting Improvement Project. He made the attached presentation and then opened the floor for questions concerning the Project. One (1) property was represented at the Public Hearing.

President Hewitt stated that Ameren had completed two out of three phases of their work in reducing the impact of the overhead power lines on the street. He said they would not all be removed but would be greatly reduced.

Issues and concerns addressed by citizens included:

Mr. Garlan Duncan and Ms. Tu Tran, residents of 905 West Columbia Terrace, Peoria, questioned whether the city made sure the people who signed the Petition were actually homeowners versus renters. Further, they questioned whether the Petition was done only by people who live there.

President Hewitt stated the engineering staff checked the Petitions with the records at the Assessor's Office to confirm that signatures were from property owners. He explained how the properties adjacent to the project were assessed, whether they owned frontage on Columbia Terrace or their frontage was along the side of their lots. He explained that their property was assessed for 50 feet of frontage which was the width of the property they owned.

Mr. Duncan said he was concerned about what Columbia Terrace looked like, but he questioned whether the city had looked at Bourland. He said there was no lighting at all, on that street. He said he lived on the north side of Columbia Terrace and the sidewalks were torn up. He questioned why this project was being discussed.

Regarding starting a project on Bourland, President Hewitt advised that the Board did not initiate projects very often, because there were already numerous petitions for projects for which the special assessment funding often fell short. However, he said if a petition was requested for a project on Bourland, the city would respond to that.

In further discussion with Mr. Duncan regarding the Machin Improvement Project, President Hewitt explained that petitions could be requested by people who did not own property on the street and they could circulate it for signatures, but that person could not sign that petition.

Mr. Duncan stated the sidewalk at his property was in good condition and that to some people this project was like imposing a fine on them. He expressed concern regarding the poor economic times and he said he could not afford the assessment. He questioned whether the assessment could climb higher.

President Hewitt advised that the engineering staff would forward to Mr. Duncan a copy of the HUD income guidelines for low income residents, and he explained that CDBG funding was available for payment of part of the assessment for those owners meeting the income guidelines. He explained that the CDBG funding participation information would be mailed to the property owners along with their assessment bills. He said if the project costs were higher than the assessments, then the City would assume the higher cost portion. He also explained how the assessment was billed and the property owner's options for payment of the assessment.

There being no further discussion, Secretary Ray moved to close the Public Hearing regarding the Columbia Terrace Sidewalk and Ornamental Street Lighting Improvement Project (from University Street to North Street); seconded by Board Member Currie.

Approved by viva voce vote.

The Public Hearing was closed at 6:32 p.m.

ITEM NO. 7 CONSIDERATION of RECOMMENDATION of ORDINANCE Concerning the Proposed Public Improvement of the COLUMBIA TERRACE (FROM UNIVERSITY STREET TO NORTH STREET) SIDEWALK AND ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT to the PEORIA CITY COUNCIL for APPROVAL.

Board Member Curried moved to approve the Recommendation of an Ordinance concerning the proposed Public Improvement of the Columbia Terrace (from University Street to North Street) Sidewalk and Ornamental Street Lighting Improvement Project, as presented, to the Peoria City Council for adoption; seconded by Secretary Ray.

Approved by viva voce vote.

Next Meeting of the Board of Local Improvements:

The Board Members concurred to schedule their next meeting for Thursday, April 16, 2009, beginning at 5:00 p.m. at City Hall.

Board Member Smith stated there were at least three projects coming forward for Public Hearings.

Board Member Currie requested that the Special Assessment Policy and Procedures item be placed on the Agenda for final approval.

ADJOURNMENT

Board Member Currie moved to adjourn the meeting; seconded by Board Member Smith.

Approved by viva voce vote.

The Special Meeting of the Board of Local Improvements adjourned at 6:35 p.m.



Gene Hewitt, President

/Rmb

Attachments