

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

**APRIL 18, 2011**

A Special Meeting of the Board of Local Improvements convened at 5:30 p.m. on Monday, April 18, 2011 at City Hall Room 404, 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, Board Member Erle Currie, and Board Member Amy Benecke McLaren – 3; Absent: Secretary Randall Ray, Board Member Jeff Smith - 2.

Others in attendance included Project Engineer Scott Reeise and Engineering Division Secretary Ruth Blancaflor.

## **MINUTES**

Board Member McLaren moved to approve the Minutes of the Special Meeting of February 10, 2011, as printed; seconded by Board Member Currie.

Approved by viva voce vote.

### **ITEM NO. 1 PUBLIC HEARING:**

**In the Matter of the Construction of the following-described proposed Improvement, The N. AVALON PLACE ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT (W. HUDSON AVE. TO W. FORREST HILL AVE. AND W. ALBANY AVENUE TO BUEHLER HOME) the Net Length of 723 Feet or 0.14 mile; [District 2].**

At 5:31 p.m. President Hewitt announced the Public Hearing regarding the construction of the proposed improvement known as the North Avalon Place (from West Hudson Avenue to West Forrest Hill Avenue and from West Albany Street to Buehler Home) Ornamental Street Lighting Improvement Project. He stated that, since the mailing of the Notices of Public Hearing, the City Engineer's office had received no inquiries regarding the project.

President Hewitt gave the attached presentation and then opened the floor for questions concerning the Project. Six (6) properties were represented at the Public Hearing.

Issues and concerns addressed by citizens included:

Ms. Jennifer Smith, resident of 3327 North Avalon Place, questioned whether the lights and the wood poles present would be taken out. She said the ornamental lighting wasn't as bright as what was currently there and she said the current light levels gave her a sense of security. She said the ornamental lights present in the neighborhood were dirty, and she questioned whose responsibility it was to clean them.

President Hewitt explained that the lighting levels of ornamental fixtures allowed pedestrians to see and be seen. He said city street maintenance crews were responsible to clean the lights, and it would be reported to them.

Project Engineer Reeise stated the ornamental lights were 100 watts, but they had more lumens.

Ms. Smith questioned whether every yard would be dug up for the wiring, or if it would only involve specific areas. She said her yard had been disturbed twice in recent years for water repairs and she would not like that to happen again.

President Hewitt explained that different contractors had different methods. He said some contractors would use a boring machine and they can accomplish the task quickly. Others, he said, preferred to cut a small trench for the wiring. However it was done, he said the disturbed areas would be restored with sod.

In discussion with Ms. Rita DeSalva, resident of 3327 N. Avalon Place, Project Engineer Reeise stated the boring machine disturbance would look like an underground mole's pattern in the yard.

Ms. Ann Carroll, resident of 907 W Albany Avenue, stated Avalon Place was at her side yard and she questioned how many lights were to be installed between Albany Avenue and Buehler Home. Further, she said there were two streets lights there currently and only four houses from the corner to Buehler Home.

Project Engineer Reeise stated that three lights would be installed at the location questioned by Ms. Carroll, and President Hewitt added there was a 75% majority on the lighting petition request in that location.

Ms. Smith expressed concern that the cost had increased since she signed the petition, and she questioned whether or not the current cost estimate of \$1,400 would increase within the next year.

President Hewitt stated the project would be constructed this summer and that the cost would not increase.

Mr. Jim Kennedy, resident of 3114 N. Avalon Place, mentioned the conduit and junction boxes installed in the 3200 block for the previous project and he questioned how the pattern for the current project would be laid out. Further, he questioned whether another meter would be installed for this project, in addition to that which was installed in the 3200 block.

Project Engineer Reeise stated conduit would be installed up one side of the street with junction boxes across the street, but that both lighting systems would use the same controller.

President Hewitt further explained that, by using the same controller, the lighting systems would be illuminated simultaneously.

Ms. Roberta Lumbergy, resident of 3115 N. Avalon Place, requested that the payment parameters be restated by Mr. Hewitt and that was done.

In further discussion with Ms. DeSalva regarding the junction boxes' placement, Project Engineer Reeise explained they were 12" x 12" metal boxes which were installed at the back of the sidewalk and flush with the ground. He suggested she walk along the sidewalk and lights on the Avalon project from Hudson to Albany, to see how they would look.

In further discussion with Ms. Smith, Project Engineer Reeise confirmed that no driveways would be disturbed by the construction. He said there were a few square of sidewalk that would be taken out but they would be reconstructed.

As a result of discussion with Ms. DeSalva, President Hewitt stated Mr. Tom Kirchgessner circulated the petitions for the neighborhood and that Engineering Secretary Ruth Blancaflor would send her a copy of the signed petitions for the project.

Mr. Kennedy expressed concern that their neighborhood didn't know anything about the Biltmore Avenue project when it was being constructed, and President Hewitt explained the projects were strictly fueled by the neighborhood requests. He said city staff helped to define a project's limits but, in Biltmore's case, they petitioned for their street as a whole.

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

Approved by viva voce vote.

The Public Hearing regarding the North Avalon Place Ornamental Street Lighting Improvement Project (from West Hudson Avenue to West Forrest Hill Avenue and from West Albany Avenue to Buehler Home) closed at 6:00 p.m.

**ITEM NO. 2      CONSIDERATION of RECOMMENDATION of an ORDINANCE Concerning the Proposed Public Improvement of the N. AVALON PLACE ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT (W. HUDSON AVE. TO W. FORREST HILL AVE. AND W. ALBANY STREET TO BUEHLER HOME) to the PEORIA CITY COUNCIL for APPROVAL. [District 2].**

Board Member Currie moved the Recommendation of an Ordinance concerning the proposed public improvement of the North Avalon Place Ornamental Street Lighting Improvement Project (from West Hudson Avenue to West Forrest Hill Avenue and from West Albany Avenue to Buehler Home) to the Peoria City Council for adoption; seconded by Board Member McLaren.

Approved by viva voce vote.

**ITEM NO. 3      APPLICATION OF BOARD OF LOCAL IMPROVEMENTS TO THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF PEORIA COUNTY, ILLINOIS, ON COMPLETION OF WORK; CERTIFICATE OF COMPLETION AND ACCEPTANCE; and RESOLUTION for APPROVAL and ACCEPTANCE of the IMPROVEMENT by the CITY OF PEORIA, IN THE MATTER OF THE FOLLOWING IMPROVEMENT PROJECTS:**

- A.      Main Street (University to Sheridan), Garfield Avenue (Windom to Main) and Douglas Street on the East Side (from Main Street to 80 feet south of Russell Street) Roadway Improvement; 02 TX 59;
- B.      Main Street (Sheridan to North), Sheridan Road on the West Side (Windom to Main), and Main Street (University to North) Roadway Improvement; 03 TX 42;
- C.      Stonegate Road (North Street to Lake Street) Roadway Improvement; 02 TX 9;
- D.      N.E. Monroe Street (Wayne to Spring) Ornamental Street Lighting and Roadway Improvement; 06 TX 79;
- E.      N. Elmcroft Drive (Parkridge Dr. North to Gilbert Ave.) Roadway Improvement; 07 TX 120;
- F.      W. Tomar Court (South of W. Clarewood Ave.) Roadway Improvement; 07 TX 276;
- G.      W. Melbourne Avenue (Sheridan Road and 278 Ft. to the East of Bootz Street) Ornamental Street Lighting Improvement; 07 TX 156;
- H.      St. Mary's Road (Wilshire Dr. to Teton Dr.) Roadway Improvement; 07 TX 119;
- I.      Avalon Place (Hudson St. to Albany Ave.) Roadway and Ornamental Street Lighting Improvement; 07 TX 277;
- J.      The Alleys Between Institute Place and Glenwood Avenue (Bounded by Columbia Terrace and Main Street) Improvement Project; 06 TX 82;
- K.      The Heart of Peoria Neighborhood Sidewalk and Ornamental Street Lighting Improvement; North Street (Arcadia to Republic), Bigelow Street (McClure to

Nebraska), Linn Street (McClure to Republic), Arcadia Avenue (North to Linn), Republic Street (North to Linn), and Beverly Court (Linn to Knoxville); 03 TX 199;

- L. The North side of West Loucks Avenue (Hanssler Place to Wilcox Avenue) Sidewalk Improvement; 02 TX 6;
- M. Teton Drive (from 120' West of Tobi Lane to Knoxville Ave.) Sidewalk and Roadway Improvement; 04 TX 198;
- N. W. Teton Drive (from University to a point 120' west of the east intersection with Tobi Lane) Roadway Improvement Project; 08 TX 53;
- O. W. Virginia Avenue and N. Institute Place (Gale to McClure) Roadway Improvement; 06 TX 80;
- P. Machin Avenue (Columbia Terr. To Chester) Roadway and Ornamental Street Lighting Improvement; 06 TX 81;
- Q. Sam J. Stone Avenue (Kumpf Blvd. to Hightower St.) Ornamental Street Lighting Improvement; 06 TX 218;
- R. Queens Court Road and Piccadilly Place (Miramar Dr. to Piccadilly Pl. and Queens Court Road to Kingsway Dr.) Roadway Improvement; 08 TX 214;
- S. The Construction of the Phase One Roadway Improvements in Growth Cell 1A to Radnor Road and Wilhelm Road in Peoria County; 06 TX 220 (Assessment A);
- T. The Construction of the Phase One Roadway Improvements in Growth Cell 1A to Radnor Road and Wilhelm Road in Peoria County; 06 TX 221 (Assessment B).

Board Member Currie moved to approve the Applications of the Board of Local Improvements to the Circuit Court of the Tenth Judicial Circuit of Peoria County, Illinois, on Completion of the Work; Certificates of Completion and Acceptance; and Resolutions for Approval and Acceptance of the Improvements by the City of Peoria in the Matters of Improvement Projects A through R and to defer Projects S and T indefinitely; seconded by Board Member McLaren.

Approved by viva voce vote.

**OTHER ITEMS OF INTEREST TO THE BOARD:**

- A. UPDATE on the Construction of the Phase Two Roadway Improvements in Growth Cell 1A to Wilhelm Road (Construction of the Wilhelm Road Bridge and Adjacent Approaches) in Peoria County – City Civil Engineer II Scott Reeise.**

Civil Engineer Scott Reeise gave an update to the Board on the current status of the construction of the Wilhelm Road Bridge in Peoria County, as part of the Phase Two Roadway Improvements in Growth Cell 1A Petition. He said the bids received on the project were good and that meetings had taken place regarding funding of the project. He said it had been determined to pursue funding through General Obligation (G.O.) bonds issued by Peoria County and not to pursue Special Assessment (S.A.) bonds. He said the G.O. bond rates are about 4 percent, while S.A. bonds are about 8%, and it was the opinion of the City's bond counsel that selling S.A. bonds for the project at this time would not be successful.

Mr. Reeise further stated that right-of-way for the bridge approaches was still needed from a couple of the developers. He said the right-of-way documents were completed but there was no agreement to-date by the developers to donate the ROW for the project, as had been requested. He said the bids for the project would become stale after May 10, 2011. He said it was his understanding that a Council communication would be prepared to include the consideration of an amendment to the previous agreement with the

developers in order to accommodate funding the project by the sale of G.O. bonds and for the award of the construction contract in time for the May 10, 2011 City Council meeting.

During the discussion on the matter, the Board Members individually expressed their extreme concern that it appeared the developers, who petitioned for the Special Assessment, would be released from it while being paid for the right-of-way needed for their project. It was reiterated that, if the low bid was not accepted and the construction contract was not awarded by the May 10<sup>th</sup> deadline, the bids would go into default and project costs would continue to escalate.

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

Approved by viva voce vote.

The Special Meeting of the Board of Local Improvements adjourned at 6:25 p.m.

  
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Gene Hewitt, President  
Board of Local Improvements

/rmb

Attachment

**N. AVALON PLACE  
ORNAMENTAL STREET LIGHTING  
IMPROVEMENT PROJECT**

It is now 5:30 p.m. and time to convene the Board of Local Improvements hearing for the **N. AVALON PLACE ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT**. This project will include improvements to **N. AVALON PLACE** from **W. Hudson Avenue to West Forrest Hill Avenue** and **W. Albany Street to Buehler Home**. The improvements have a net length of **723 feet** or **0.14 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 Beneke-McLaren, and Randall Ray, Corporation Counsel for the City of Peoria and Superintendent of Special Assessments; City Staff: Scott Reeise, and Laura Savorgino, Project Engineers, Ruth Blancaflor, our secretary, and I am Gene Hewitt, President of the Board of Local Improvements.

(Recognize any Council Members present)

This project began with discussions with a neighborhood representative as a result of the installation of ornamental street lighting on W. Avalon Place between Albany Street and Hudson Street in 2008. Discussion resulted in Petitions for these improvements being sent out on June 19, 2007. Those petitions were returned to the City on June 4, 2008 with signatures of property owners representing **55.41** percent of the frontage between W. Hudson Ave and W. Forrest Hill and **75.38** percent on the portion from Albany Street to Buehler Home. The Board of Local Improvements accepted the

petitions at their meeting on June 24, 2008. 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 held, causing the new owner to be unaware of the project.

Due to a high demand for projects and funding variability, 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](http://ci.peoria.il.us). In addition to the web site, 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.

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 of 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 to the Court. Until the Court confirms the assessment roll by disposing of any objections, the figures that are given in the "Notice" are not official.

After the Court has confirmed the assessment roll, the Project will be advertised and bids will be received. 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, 2012, but if you pay the first installment within 60 days of your receipt of the assessment invoice, there will be at no interest. 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 Januarys.

The proposed improvement as shown on the wall calls for the improvement of this project will include improvements to **N. Avalon Place** from **W. Hudson Ave. to W Forrest Hill Ave.** and from **W. Albany Street to Buehler Home.** The improvements shall consist of the installation of a city standard ornamental street lighting system consisting of new poles and fixtures along with concrete foundations, junction boxes, conduit and wiring. All disturbed areas will be restored with sod.

The estimated cost for this project, including construction and project costs, is approximately \$57,813.40 with the City paying 50% of the cost. The proposed assessment rate for this project is \$29.37 per front foot.

We intend to put this project under contract and complete it this year.

Before the project starts you will receive another letter from us 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 most 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, the office has received no written or telephone inquiries regarding this 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.