

MINUTES OF A SPECIAL MEETING OF THE BOARD OF LOCAL IMPROVEMENTS

JUNE 6, 2011

A Special Meeting of the Board of Local Improvements convened at 5:30 p.m. on Monday, June 6, 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, Secretary Randall Ray, Board Member Erle Currie, Board Member Jeff Smith and Board Member Amy Benecke McLaren – 5; Absent: - 0.

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

MINUTES

Board Member Currie moved to approve the Minutes of the Special Meeting of April 18, 2011, as printed; seconded by Board Member McLaren.

Approved by viva voce vote.

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

ITEM NO. 1 PUBLIC HEARING:

In the Matter of the Construction of the Following-Described Proposed Improvement: The WEST RIDGE ROAD (N. ISABELL AVENUE TO N. SHERIDAN ROAD) ORNAMENTAL STREET LIGHTING AND ROADWAY IMPROVEMENT PROJECT the Net Length of 2035 Feet or 0.39 mile; [District 3].

At 5:46 p.m. President Hewitt announced the Public Hearing regarding the construction of the proposed improvement known as the West Ridge Road Ornamental Street Lighting and Roadway Improvement Project. He stated that, since the mailing of the Notices of Public Hearing, the City Engineer's office had received 4 letters opposing, 2 telephone calls opposing, and 16 telephone calls favoring the project.

President Hewitt gave the attached presentation and then opened the floor for questions concerning the Project. Twelve (12) properties were represented at the Public Hearing.

Issues and concerns addressed by citizens included:

Mr. Kevin Sibley, resident of 1005 West Ridge Road, said when the Petitions were first presented, they were not circulated to all of the residents. He said several had now left the neighborhood and he said he was not sure there was still the same percentage supporting the project. He said many things about the project had been misrepresented to him and he said he was told his assessment would be \$200 per year. He said his wife was a breast cancer survivor and they had many medical bills from that and simply could not afford their assessment for this project. He said he opposed the project and would not support it even if he could afford to pay the assessment. He said he thought the neighborhood could use the lighting but that there were sidewalks in other areas in much poorer condition than theirs.

In further discussion with Mr. Sibley, President Hewitt explained that the city assisted in drafting the petition to clearly state what improvement was being requested. He said the property owners circulated the petition and he explained the process followed after the city received the signed petitions. He said the

Board had been presented a majority petition requesting this project and that Mr. Sibley could present a petition requesting the project be canceled, which would be received as commentary and may not change the course of the project.

Mrs. Polly Wagner, resident of 915 West Ridge Road, said she was happy to hear of the milling to be done on the street prior to its being resurfaced. She said her driveway was in good condition, but her car scrapes once she backs out to the point where the roadway is higher.

Ms. Cathy Kiley, resident of 922 West Ridge Road, said she bought her house in August of 2009 and was not made aware by the former owner about the project. She said the news of the project alarmed her because she is unable to afford other normal repairs her house needs, and she believes it is unreasonable to expect her to pay for new sidewalks when her sidewalk doesn't even have a crack in it. She suggested the city only repair the walks that needed it. She questioned why the city would spend the money on their street when there had been an economic change the last few years and the city couldn't afford it either.

President Hewitt answered that the Board had a majority petition requesting the improvement project and that the funds had been budgeted. He said the decision to fund the project rested with the City Council.

Ms. Kiley stated the petition had been circulated four years ago and she said she thought a poll of the neighborhood should be taken now. She said she thought if a person wanted new sidewalk they should do their own and that, since people's situations had changed drastically, those people who were in favor of the project should consider their neighbors who were not able to afford it.

President Hewitt stated it was not reasonable to stop the process now, as the city had six months of engineering time invested in it and he reiterated the neighborhood had presented a majority petition for the project.

Mrs. Mindy Uppole, resident of 1107 West Ridge Road, spoke in favor of the project. She said her children loved to play outside and that the street was divided because from Twelve Oaks to Isabell there were a lot of families with children. She said it was an older neighborhood with many one-stall garages and narrow driveways, so that there were multiple cars parked on the street. She said their sidewalks had settled and were crumbling, so that when the children rode their bikes along the sidewalk they fall over. She said the gas station at the corner caused cut-through traffic and that she thought the 30 miles per hour speed limit was too high for a neighborhood. She said she witnessed walkers going out into the street because the sidewalks are terrible in places.

President Hewitt suggested Mrs. Uppole write a letter to the Public Works Department to request the speed limit be lowered to 25 miles per hour.

Mr. Rich Uppole, resident of 1107 West Ridge Road, questioned whether there would be a drastic change in the elevation from the grass to the sidewalk, with the construction of the new walk.

Project Engineer Mike Taylor stated the city's contractor would grade Mr. Uppole's yard back to a gentle slope to make sure the water drained appropriately.

Mr. Tom Stafford, resident of 817 West Ridge Road, said he had lived at his house since 1953. He said he preferred to see the money spent to fund more policemen and firefighters and he thought there was a vast majority of the neighborhood against the project. He questioned whether there wasn't any option to stop the project. He also said he had no problem with the lights, but wished they had more light and were higher and on wooden poles. He said his sidewalk was okay. He said his biggest concern was the consternation about the petition when it was being circulated. He again said he hoped the project could be stopped.

President Hewitt said from the Board's perspective, they had followed the appropriate process and that the City Council made the final determination about the project's proceeding. He again explained how the city had changed its procedures to more frequently update the residents about a project.

Regarding canceling the project or circulating a new petition, Secretary Ray said the residents needed to decide how they could best be persuasive to the City Council. He said he did not take the position that the project was a "done deal" and they shouldn't take that position either.

Mr. Dan Crichton, representing Ms. Linda Vander Vennet, resident of 923 West Ridge Road, questioned whether the signatures on the petitions were verified to make sure they were all actual property owners and not tenants.

President Hewitt stated that the engineers verified the signatures on the petitions with the names on the property information from the Recorder of Deeds Office and, if they weren't the same, they weren't counted toward the majority.

Mr. Crichton reiterated there were new people in the neighborhood and that the Board needed to be fair and to protect the city's interests and start over, to make sure everybody had the right to say whether or not they wanted the project.

Mr. Floyd Hawkins, resident of 1002 West Ridge Road, stated his property was on the corner with Twelve Oaks and that he was very much against the project. He referred to the letter of August, 2009 from the city updating the citizens about the project. He questioned the cost on the Estimate given in the Notice of Public Hearing for the bituminous resurfacing and milling. He questioned whether or not he would only be assessed for his legal frontage. He questioned the reasonableness of the engineering and inspection and the legal expenses on the project Estimate. He said 22 lath stakes had been placed for the proposed ornamental light locations, but there were only 5 lights which illuminated the entire area currently. He questioned who would maintain the lights, how their energy would be supplied to them, and how deep the cable was buried. He questioned whether the wooden poles would be taken down and he questioned if the residents would be given proof of the city's payment to the contractor.

During separate discussions with Mr. Hawkins in answer to his questions, President Hewitt and Project Engineer Taylor advised him that his assessment included a corner lot reduction, explained the costs involved in the engineering inspection and legal expense of the project, explained that the city of Peoria maintains the ornamental lights and that the conduit for the energy would run from the box at the property line at 915 West Ridge and would be split in two directions to feed the system. They also stated that the wooden, Ameren poles and lights would be taken out by Ameren and that the conduit would be buried at 24 inches deep.

President Hewitt explained the city paid the contractor for his work by an Engineer's Payment Estimate form, which sets out each item in the contract and creates the record of the items paid. He said the Payment Estimates generally were not given out to the residents.

Mr. Isaac Ackerman, resident of 1011 West Ridge Road, also questioned whether the old lighting would be removed and President Hewitt reiterated that it would be.

Ms. Marcia Aaron, resident of 809 West Ridge Road, stated she was looking forward to the project. She said she signed the petition and that, though she was now retired, she was still in favor of the project. She said she believed the sidewalks needed to be replaced and she thought the lights were very attractive. She said she had lived in other places where she had to pay for sidewalk and she said once the entire area was completed, she thought it would look really nice.

Ms. Judy Hand, resident of 812 West Ridge Road, said she had also signed the petition and she questioned the responsibility of the former property owners to tell the new owners about the project.

Secretary Ray stated that, generally, a seller is supposed to reveal what he knows about these things, but he said he didn't think any laws were broken. Further, he said that to require everything to go back to the starting point every time there was a new property owner involved was not very practical and nothing would ever get done if that were the case. He said the residents in opposition to the project needed to make their feelings known to their elected officials.

Mr. Dana Wagner, resident of 915 West Ridge Road, questioned the improvement's effect on their property taxes. From his review of the plans, he said it looked like he would lose a tree since the sidewalk was 5 ½ feet wide. He also questioned whether or not the residents would be notified before the milling of the street took place and whether or not the contractor would seed or sod the disturbed areas.

President Hewitt advised that the improvement did not affect property taxes, but it was viewed by the Assessor as a maintenance item. He explained the information provided in the Project Newsletter would provide a schedule of the construction work and that the Resident Engineer would advise the property owners if the daily work required cars to be moved out of the way.

Project Engineer Taylor stated the adjustments to yards behind the new sidewalks would be restored with sod.

In discussion with Mr. Ackerman, President Hewitt explained the difference between a special assessment and assessed valuation of properties. He also explained there is no pre-payment penalty on special assessments.

In further discussion with Mrs. Uppole, President Hewitt stated the project would begin this summer but that construction would stop in the winter and that, at the end of the construction, the residents would receive a final letter.

Mrs. Lee Sibley, resident of 1005 West Ridge Road, questioned how the city would pay for its 77.25% of the project and she encouraged the Board to not go forward with it. She said she did not believe it was a good time to spend the money and it just wasn't needed.

Mr. Robert Stafford, resident of 817 West Ridge Road, questioned how much time had been spent on the project and how the Estimate was prepared.

President Hewitt stated that the design engineer and the city's land surveyor had spent approximately 6 months of work on the plans, and he explained how the amounts on the Estimate were calculated by the design engineer.

In further discussion with Mr. Sibley regarding his concerns, President Hewitt and Secretary Ray explained that the contractor would be liable for any damage he created during the project and that if the lien created by the special assessment on the property was not paid it would affect a property owner's credit rating.

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 West Ridge Road Ornamental Street Lighting and Roadway Improvement Project (from North Isabell Avenue to North Sheridan Road) closed at 7:08 p.m.

ITEM NO. 2 CONSIDERATION of RECOMMENDATION of an ORDINANCE Concerning the Proposed Public Improvement of the WEST RIDGE ROAD (N. ISABELL AVENUE TO N. SHERIDAN ROAD) ORNAMENTAL STREET LIGHTING AND ROADWAY IMPROVEMENT PROJECT to the PEORIA CITY COUNCIL for APPROVAL. [District 3].

Board Member McLaren moved the Recommendation of an Ordinance concerning the proposed public improvement of the West Ridge Road Ornamental Street Lighting and Roadway Improvement Project (from North Isabell Avenue to North Sheridan Road) to the Peoria City Council for adoption; seconded by Board Member Currie.

Secretary Ray stated that no one liked to be in the position the Board was in, but the fact remained that there were a number of people who followed the rules and the process. By passing this tonight, he said, it would go on to the City Council. He said the residents deserved to have it voted up or down by their elected officials and not this Board, so that was why he would be supporting the project.

Motion to the forward the Recommendation of an Ordinance concerning the proposed public improvement of the West Ridge Road Ornamental Street Lighting and Roadway Improvement Project (from North Isabell Avenue to North Sheridan Road) to the Peoria City Council for adoption was approved by Roll Call Vote.

Yeas: Hewitt, Ray, Currie, Smith, Benecke McLaren – 5;

Nays: None.

ITEM NO. 3

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.**

Secretary Ray stated he was moderately optimistic the project would move along to the City Council for contract award June 14th, subject to Peoria County's approval.

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 7:18 p.m.

Gene Hewitt, President
Board of Local Improvements

/rmb

Attachment

W. RIDGE ROAD IMPROVEMENT PROJECT

It is now 5:45 p.m. and time to convene the Board of Local Improvements hearing for the improvement known as the **W. RIDGE ROAD IMPROVEMENT PROJECT**. This project will include improvements to **W. RIDGE ROAD** from **N. Isabell Ave. to N. Sheridan Road**. The improvements have a net length of 2035 feet or 0.39 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 Mike Taylor and Scott Reeise, 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 from W. Ridge Road in the early spring of 2007. Discussion resulted in a Petition for these improvements being sent out on March 12, 2007. This Petition was returned to the City during the spring of 2007 with signatures of property owners representing 64.1% of the frontage on the project. The Board of Local Improvements accepted the petition at their meeting on June 7, 2007. 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.

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. 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.

With the Ridge Road project there was an update letter sent to the property owners on August 24, 2009. This letter had background information, an updated estimate of cost, how the assessment rate would be determined and gave an estimated assessment rate of \$44-\$48 per front foot. The letter also explained the Special Assessment process in detail and gave the current status of the project.

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, 2012, 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 Januarys.

The proposed improvement as shown on the walls calls for the improvement of this project will include improvements to W. RIDGE ROAD from N. ISABELL AVE to N. SHERIDAN ROAD. The improvements shall consist of the removal of the existing curbs and gutter, sidewalks, driveway approaches including any area for adjustments and any entrance walks adjustments. A new combination curb-sidewalk 5.5 feet in width and gutter section will be installed. Adjustments to existing driveways and entrance walks behind the sidewalk will be made as required. The existing storm sewer inlets will be reconstructed or adjusted as needed. All disturbed areas will be replaced with sod as a part of the project. In order to address the steep crown the center 10 feet to 15 feet of the street will be milled approximately an inch and half. A bituminous overlay for the entire street will complete the project.

Also a part of this project is the installation of an ornamental street lighting system. We propose to install a city-standard system consisting of 10 foot aluminum poles with an acorn fixture. On the street the city has installed lath with flagging to locate the proposed street lights. The intent is to place the lights as closely as possible to property lines between the houses. Some minor adjustments can be made to these locations. If you have any questions please call the Engineering Division to have someone come review the situation.

We often receive inquiries from residents along our project if it is possible to have 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 will coordinate the work with our project.

The estimated cost for this project, including construction and project costs, is approximately \$820,800.00 with the City paying 77.25% of the cost. The proposed assessment rate for this project is \$47.70 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.

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 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, my office has received four (4) letters and two (2) phone calls in opposition to the project, and sixteen (16) phone calls 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.