

VILLAGE OF HAMILTON

BOARD OF TRUSTEES

SPECIAL MEETING

MAY 23, 1990

A special work shop meeting of the Village Board of Trustees was called to order by Trustee Fuller in the Village Library at 7:10 pm on May 23, 1990.

Present

Mayor Pike, Trustees Baker, Krehel, Fuller, Engineer Rathbone, Attorney Hughes, Edward Vantine, Richard MacNeilly, Dan Bergen, and Rick Easterly of Stearns & Wheler.

Repaving of Sidewalks and Streets Downtown

Trustee Fuller opened the meeting by informing the property owners that it was an informational meeting to let them know what the village wants to do with the sidewalks and curbing in the downtown area. He said that they wanted a little input from some of the property owners from the downtown area. Mayor Pike remarked that the survey that was taken for the Senior Planning Group, the number one item of concern by the people of the Village of Hamilton was it's sidewalks and that is why the village is doing this project.

Trustee Fuller stated that what they should do first is to have Mr. Easterly show the plans and then the audience can ask any questions that they might have.

Mr. Easterly explained that Stearns & Wheler was retained by the Village of Hamilton to put together a contract to replace the sidewalks and curbing in the downtown village area. The control that they used was a first floor elevation to step into the building and the existing curbs and streets. They are trying to make it all fit and still drain to the existing catch basins. When they first started the job their first goal was to just do the sidewalks but when they got into it, it did not work that way because of the grades. A lot of the curbs have varying curb height reveal. They talked to the Mayor and they decided to replace all of the curbs and the sidewalks. What the plans are showing tonight is the final accumulation of everything that was decided upon. Last year there was a contract to repave Lebanon Street but they advised the village at that time that it would not be wise to repave it since the sidewalks and curbs may have to be readjusted. It was eliminated from last years contract and put into this years contract and with this job now all of Lebanon Street will repaved.

Mr. Vantine asked if that was included in the cost of Municipal. Mr. Easterly said yes but later it will be the villages cost.

Mr. MacNeilly stated to Mr. Rathbone that he thought that downtown Lebanon Street was paved two years ago. Mr. Rathbone stated that he did not think it was, but he would have to check his records.

Mr. Easterly stated that one other part of this project that they did was a study on all the existing vaults down in the basements of all the downtown areas. From that they came up with a recommendation of what had to be replaced, abandoned and one vault would remain with the access hatch. Three vaults will remain and the rest will be abandoned. Also on Lebanon Street trees will be replaced that had died in the last tree planting program and tree grates will be installed around the base of the tree. There is more than just sidewalks and curbs that has gone into this job. Banding the sidewalks and the vaults will involve some structural work, like fill in the walls of the existing buildings and then concrete

sidewalk itself. They have gone through and broken down what the village's cost will be and what the property owner's cost will be based on the recordimants that the Mayor gave them today.

Mr. Vantine asked if #14-Pavement Resurfacing, was the paving of Lebanon Street or not. Mr. Easterly told him yes as well as all of the rest of the areas. They are going to shim and regrind the road to level it and provide an inch and a half overlay throughout area.

Mr. Vantine asked, if on the cost per linear foot, it was portioned

off according to how many feet he has. Mr. Easterly told him yes, that was how it worked.

Mr. Easterly told the owners that, per the Mayor, the village will pay for the tree grates, one half of the curb cost, and one dollar per sq. ft. of the concrete sidewalks. They will also pay for all the road work. This is how it is broken down for our cost estimate.

Mr. MacNeilly remarked that on #3, and #4 it has Concrete Sidewalk. He wanted to know if it was one or the other. Mr. Easterly stated that one is a 4" sidewalk which is a normal sidewalk and the 6" sidewalk is where a car would be able to drive over the top of an entranceway into the alleys.

Mayor Pike stated that there still might be a little confusion on what the village will pay and what the owners will pay because there are several items that would pertain to one property owner and not another. When you start looking at the average per linear foot it will not hold true for everybody, so we have to keep that in mind. For instance, abandoned vaults, one will have it and one will not. Mayor Pike asked if the traffic maintenance and things like that were in the village part. Mr. Easterly told him it was split.

Mr. Rathbone asked how traffic maintenance is related to sidewalk. Mr. Easterly told him that the owner has to maintain access to the stores at all times by providing wooden walkways from the road to the stores front door. Other maintenance of traffic will be when they start doing the shimming and the grinding. Mr. Rathbone said that that would normally be the village who would do that and Mayor Pike agreed.

Mr. MacNeilly asked Mr. Easterly if the figures were Stearns & Wheler's estimates. He told him that they were all their estimates. Mr. MacNeilly then asked him if they had done quite a bit of this type work in the past years, and how close have their estimates been averaging. Mr. Easterly told him that usually they are about the third bidder on the average.

Mr. Vantine stated that he was not to sure about what the village is willing to do. Are these figures it, or is the village going to re-adjust. Is the village going to re-calculate or re-compute what their portion of all of this is going to be. Mr. Hughes remarked that they are going to have to generate an actual schedule, who is paying what on an allocated basis and that has to be available for inspection. There has to be a couple of procedures run in the next couple of weeks that will finalize all that.

Mr. Vantine stated that if it cost so much to abandon a vault he may want to keep it. Why abandon one if it is going to cost four times as much. Mr. Fuller told him he thought he was misfiguring that. Mr. Baker told Mr. Vantine that it is the same price whether they are abandoned or restored. Mr. MacNeilly asked what they do if the owner abandons a vault. Mr. Easterly told him that they would put rebar inside the cores of the block, drill them into the walls and fill the void up with gravel. Mr. MacNeilly stated that alot of the voids, as they saw on their inspection, were filled in with 2x12's, 2x14's, 2x20's and they have lasted 80 years. Mr. Easterly said he could only respond to that by saying how much longer would they last as far as safety.

Mr. Bergen had two questions to ask. The first one was what is

included in miscellaneous work? Mr. Easterly told him miscellaneous work is the price that a contractor puts in for the cost of the bonds for the job, mobilization, insurances, field offices, telephones, etc. The second question was about the 10% contingency. Mr. Easterly told him it was a fudge factor.

Mr. Vantine asked if Stearns & Wheeler was part of the figures. Mr. Easterly told him no, that they were pure construction costs. Mayor Pike stated that that had been taken care of separately and had not been passed on to any of the owners.

Mr. MacNeilly asked, if this thing goes, who will be in full charge of the project, our local people or someone else. Mr. Easterly stated that they were hoping that the village would hire them to do on site inspections. It is very important that someone be around at all times because the grades are so critical that they need to be checked and double checked all the time. Without full time inspection, he would not feel all that comfortable.

Mr. Vantine stated that they were also talking about a tax rate increase to cover the village's involvement of \$.36/m. Would that be for

all village tax payers or just the people who own property downtown. The Mayor told him everyone who owns property in the village. Mr. Hughes stated that there would be an assessment improvement district rate that would be listed separately on the tax bill for their share if they did not pay it off. The owner has the option once this is done to pay it off within thirty days or if they did not pay it off it would be financed over a period of ten years. The cost of financing plus the principal would then be added as a separate item to everyone who is in the improvement district.

Mr. MacNeilly asked if they were taking some of the good concrete on Lebanon Street out just for consistency or is it a blanket plan where it is all going to be done whether it needs it or not. Mr. Easterly remarked that it comes into a couple of factors. One is when you start establishing grades and try to make one area fit the next, alot of the curbs and walks will have to be replaced from that. If you take a good long look at all of the curbs and walks, there is nothing uniform, there are raised ends and alot of it has to be replaced to beautify the village downtown area. Mr. MacNeilly stated the reason why he asked that question is if someone happened to have real nice concrete slabs, you could get an objection from that individual. Mr. Easterly told him that he did not see any really nice slabs. Mayor Pike remarked to Mr. MacNeilly that the concrete slab has sunken down below the curb now in spots and if they go in and replace the curb it will be sticking out up higher than the slabs.

The Mayor asked Mr. Easterly how they keep track of how much each property owner will owe. Mr. Easterly told the Mayor that they would do the total dollars and then the village has to break it down between owners. Mr. Hughes stated that Mr. Easterly would give them a schedule of how the costs are in fact allocated, and then it is up to the village to figure out who owes what.

Mr. Bergen asked how the owner and village cost was split between the Miscellaneous Work and Maintenance of Traffic. Mr. Easterly told him that he could not really answer that question. He thinks that they go through all of the figures except the questionable areas that you don't know how to do a split, take the total cost at that point and come up with a percentage.

Mr. Baker asked Mr. Hughes to explain the procedures as to what will happen so that the property owners will know what their cost will be and what procedures take place. Mr. Hughes remarked that the village has a mechanism in the village law where by they can designate an improvement district and then go in and make improvements in that district, which can consist of improving the sidewalks, the curbs, or the pavement to the road itself. They then can assess all of the cost of the adjoining land owners or absorb up to half of the cost by the village itself and as for the road, they can go beyond that. The procedures by which they do that

would be to get a map of the improvement district. The next step would be to formerly publish notice of the map and list the adjoining land owners that will be benefited by the improvement district. After the map is published, there would be a hearing whereby any of the land owners included on the map can come in and be heard about any grievances they have about whether or not they should be included in what happens. Also at that time, the village would formally notify the property owners as to what portion the village would pick up and what portion they would impose upon the adjoining land owners. After having that hearing the village will go through a process of refining their input from that hearing in developing a final schedule which will list the adjoining land owners and just how much of this cost is going to be imposed on them. That schedule will be published and then there is another hearing where the adjoining land owners can come in and be heard about the schedule, tune that up and then go with that schedule. That schedule provides the basis for taking the actual dollars and passing out the proportion that is being attributed to the adjoining land owners on a pro-rata basis established by the schedule. It will be a pro-rata or absolute dollar basis depending on how it works out.

The Mayor asked Mr. Hughes what he meant by adjoining land owners. Mr. Hughes told him they were the current owners of the property. Mr. MacNeilly asked Mr. Hughes how many owners were in the group. The Mayor told Mr. MacNeilly that there were 19 in total.

Mr. Hughes stated that after the work is completed, they have an amount that has to be paid. Each of the people that are obligated to pay which is the village and each of the land owners in the district are then notified of the actual amount that is paid out. The owners have thirty days in which to pay their amount. If they do not pay within the thirty days, the amount can then be financed using a bond anticipation note or a statutory installment bond or any other kind of instrument, up to ten

years for sidewalks. That would be spread over ten years and one advantage of that is that the municipality can get a lower interest rate so we can take advantage of the village's borrowing power in terms of the finance cost. The annual cost of the principal plus the interest plus the handling cost of setting up the financing are then spread out amongst the adjoining land owners and they would then be billed annually over ten years. That bill can either be done separately or included on the annual tax bill as a separate line for improvement district and it would be expected to be paid each year over the ten years. With that each land owner has the option of just paying their share right up front or paying it in annual installments and they could pay it off at any time. That is basically the procedures.

Mr. Vantine stated that he was still wondering about the tax rate. Is it still confined to this district or is it village wide. Mr. Hughes told him that the portion that is being referred to as being paid by the village is village wide. The portion that is being referred to as being paid by the adjoining land owners is the improvement district.

Mr. Fuller asked how it would work if there was a sale of the property. Mr. Hughes told him the new property owner would pay it because if a payment in any given year is not made, the village's remedy will be the same as it is for the real property tax. A savvy buyer, depending on where you are, would look at improvement districts and how far along you are in determining the price. If you prepaid it, theoretically you would get it back in your price although that is subject to debate.

Mr. Krehel asked when the project would begin. Mr. Easterly stated that it would begin July 9, 1990 and it will be bid on June 7, 1990. Mr. Krehel stated that the hearings would take place during the construction time. Mr. Hughes remarked that the hearings could be done in about three weeks. The Mayor stated that it would be difficult to get the dollar amounts together until they have a bid to know exactly what they are paying and then they do not know exactly what the person has when they start breaking everything down. Mr. Hughes told him that they now know from the map who the owners are so they can publish the map with a list of adjoining land owners and have that formal hearing right away.

Then they use a round number with the estimates to come up with how they are going to allocate it and when the actual numbers come in, just allocate it on the same basis. We can proceed ahead of bidding in finalizing the other aspects. Mr. Hughes stated that the drawback of letting it go is if someone were to come back and say that they think it is a hair brain idea and really challenge it or want to go to court over the whole thing it would be crazy to have the whole thing done. If someone wanted to challenge them, they would have to establish that there was no rational basis for the village doing what it did, so it has alot of discretion in opting to proceed, but certainly if it was all new sidewalk and they were going to just rip up new sidewalk for the sake of replacing new sidewalk that is not going to go. The advantage of going through that process before the actual contract is signed is if there is going to real trouble to know about it before the work is underway. Mr. Krehel stated that if someone were to challenge it they had better do it by July 9, 1990. Mr. MacNeilly stated that the one bad thing about this is that if he went and did his sidewalks alone, he could have it done for 50% less.

Mr. MacNeilly asked if the sidewalk fund of around \$35,000 - \$50,000 was still around. The Mayor told him that it was and that was how they were going to pay the \$1.00 per sq. ft. The Mayor told him that they did use \$18,000 of it for Stearns and Wheler to do the study. Mr. MacNeilly stated that the sidewalk fund was originally laid out because the downtown if it was ever done would be paid for by the village or by the individual if he wanted to do it. The Mayor remarked that he thought at one time it was proposed that the village pick up the full amount.

Mr. Vantine asked if he were to ask where his vaults were along the streets, they would not know where they were. Mr. Easterly told him that the ones that they found are marked on the map as the little boxes up against the walls.

Mr. Duke Bikowski asked how they derived at the \$5,000 figure for No. 15 Adjustment of Utility Covers to Grade because he does not see anything about estimated quantities. Mr. Easterly stated that they counted how many grates were out there, water services, valves, and catch basins. Mr. Bikowski asked if this was just for within the street and not within the sidewalks. Mr. Easterly told him that was correct.

Mr. Bergen asked how long standing were the precedence on 50/50 and a \$1.00 per sq. ft. on sidewalk. He wanted to know how far back those went. Mr. Hughes told him that the 50/50 goes back to when it became a

state law. The \$1.00 per sq. ft. he did not know how long that had been.

Mr. MacNeilly asked Mayor Pike where the trees were located that were to be replaced. Mr. Easterly told him that they were the circles marked A, B, and B. Mr. Hughes remarked that there was one A tree and two B trees. The Mayor stated that some of the trees may have to be replanted because of where they are located.

Two hearings were set up for June 11, 1990 and June 25, 1990 for further discussion with the property owners. Mr. Hughes remarked that the first thing they have to do before the first hearing was to make a determination of who is in the district, the front footage of each owner in the district, determine how they will prorate, and take that information and put it into some sort of statement that people can come and look at.

Mayor Pike asked how many items on the estimate looked like they would have to be transferred from one column to the other. Mr. Hughes told him that they would make a determination as to the road which the village is going to do. Then they make a determination as to the sidewalks and the curbs as to what the percentage is. And the other real question is on the vaults, is that going to spread out amongst it or is that going to be assigned to the specific land owner. (The four board members who were there agreed that the specific land owner be responsible for the vaults.) Mr. Hughes stated if that was the way they were going then what he will have to do is just get a schedule of the land owners and

make up a schedule of their frontage. Then we can make a list of the owners and a schedule of assessments and then take that and plug it in and then adding the vaults up and that is it.

Mayor Pike stated that the village should pick up all of Item #16 Maintenance of Traffic since they are the ones who are tearing up the sidewalks and curbs. The four board members agreed on this unanimously.

There being no additional business the meeting was adjourned at 8:15 pm.

Respectfully submitted,

Patti Hawkinson
Acting Secretary

