

Minutes of the Transportation Committee

The Transportation Committee of the McLean County Board met on Tuesday, August 2, 2005 at 8:00 a.m. in Room 404 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Bass, Members Dean, O'Connor, Hoselton and Baggett

Members Absent: Member Cavallini

Other Members Present: None

Staff Members Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator, Ms. Christine Northcutt, Recording Secretary, County Administrator's Office

Department Heads Present: Mr. Jack Mitchell, County Engineer, Mr. Eric Schmitt, Assistant County Engineer

Others Present: Ms. Christine Brauer, Regional Planning Commission; Ms. Jennifer Sicks, Regional Planning Commission

**Mr. Dean entered the meeting at 8:02 a.m.

Chairman Bass noted that there was now a quorum. Chairman Bass stated that the first item today is a report from Member Owens on his trip to the NACo Annual Conference in Honolulu, Hawaii.

Mr. Owens informed the Committee that the main topic of conversation at the NACo Transportation Steering Committee was the reauthorization of TEA-21. Mr. Owens stated that it is his understanding that this bill has passed both the House and Senate and is on its way to the President's desk for signature. Mr. Owens stated that the final amount approved in this bill is \$286.4 billion. Mr. Owens stated that Mr. Jack Mitchell, County Engineer had originally requested \$3 million for the three interstate highway interchanges that are in need of repair. The proposed funding level was cut and the amount requested was cut to \$1 million. Mr. Owens stated that Mr. Mitchell received final confirmation yesterday that the funding amount that was finally approved is \$800,000 for the interchanges and no funding was approved for the East Side Bypass study. Mr. Owens stated that the Highway Department can always reapply for funding when the next appropriation bill is scheduled. Mr. Mitchell added that the Highway Department will have to investigate how that \$800,000.00 can be best spent.

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Mr. Owens stated that the Committee also discussed the fact that Amtrak is still underfunded and reviewed options to resolve this issue. One of the new items that was discussed is the use of bike trails for transportation and recreational use. Mr. Owens asked if there were any questions on his presentation. There were none. Chairman Bass thanked Mr. Owens for his presentation.

Chairman Bass presented the minutes of the July 12, 2005 meeting for approval. Hearing no corrections, he placed the minutes on file as presented.

Chairman Bass informed the Committee that the next item on the agenda is the payment of the July, 2005 bills. Chairman Bass noted that he has a letter from Ms. Jackie Dozier, County Auditor, recommending payment of the bills. Chairman Bass asked if there were any questions from the Committee.

**Ms. O'Connor entered the meeting at 8:06 a.m.

Mr. Hoselton asked what is the payment for "Ace in the Hole". Mr. Mitchell responded that he didn't recall. Mr. Lindberg went to pull the file from the Auditor's Office. Upon reviewing the file, Mr. Mitchell noted that Ace in the Hole is a new durapatch company in Washburn, IL. One of the Townships used this company in one of their repair projects.

Motion by Hoselton/O'Connor to
recommend approval of the bills for July,
2005 as submitted by the County Auditor.
Motion carried.

Chairman Bass stated that the first item for action is the letting results from the July 27, 2005 letting for a County project. Mr. Mitchell stated that the bid tab is located in the Committee's agenda packet. He noted that both bids that were received by Rowe Construction and McLean County Asphalt exceeded the Engineer's estimate by 20.68% and 46.89% respectively. Mr. Mitchell explained that this project is for incidental surfacing, which includes completing side roads, driveways, and mailbox turnouts on Stringtown Road. Work including regrading ditches and replacing culverts has been taking place on Stringtown Road for approximately the past 6 weeks. Mr. Mitchell explained that Rowe Construction was the low bidder at \$143,870.00 or 20.68% over the estimate. Fourteen percent of the overage is in the pavement removal line item. Mr. Mitchell stated that the Highway Department contacted the Illinois Department of Transportation (IDOT) to inquire if one line item within a specific bid could be removed, and then the bid awarded. IDOT stated that was an acceptable way to handle this situation. If the project is rebid, it will go before the County Board in September and work won't begin on this project until late October, which is not the best time to lay asphalt. Mr. Mitchell advised the Committee that he has handed out a revised bid-tab. By removing the pavement removal line item, Rowe's bid would only be 6.11% over the Engineer's estimate. With this change, the Highway Department could do the pavement removal in-house or this item could be re-bid in the September Board cycle. Chairman Bass asked what percentage over the Engineer's estimate does the Committee typically accept. Mr. Mitchell stated that up to 5% over the Engineer's estimate is not a problem, but between 5% - 10% needs to be justified. Mr. Mitchell added that when the work that is being performed is a relatively small job, it is more difficult to correctly estimate the cost of the job. Mr. Hoselton added that even though the pavement removal item has been removed, it would still cost the Highway Department to perform this labor.

Motion by Dean/Hoselton to recommend award
of Letting results from July 27, 2005 for a County
Project as amended.

Mr. Dean commented that the Highway Department should be able to complete the pavement removal cheaper with their own equipment than if the work was hired out.

Motion carried.

Chairman Bass stated that the next item is a Jurisdictional Transfer of Pipeline Road, County Highway (C.H. 31), from the County to the Town of Normal. Mr. Mitchell informed the Committee that Pipeline Road is the extension of Veteran's Parkway going north out of Normal. This request is for 6100 feet of Pipeline Road (up to Ziebarth Road) to be transferred to Normal. Mr. Mitchell

stated that this request came about due to the fact that the Town of Normal has a \$570,000.00 deposit from Mr. Jack Snyder who is developing a subdivision along that stretch of Pipeline Road. Mr. Mitchell explained that if the funds are not utilized by 2007, they will revert back to the developer. Eventually this road will be a 5-lane road, but currently, due to funding issues, the proposal is to make the road a 3-lane road. Mr. Mitchell noted that the need to expand this road to 5 lanes won't happen for approximately 20 years.

Chairman Bass asked if there were any questions on this matter. Hearing none, he stated that a motion is in order.

Motion by O'Connor/Dean to recommend approval
of a Jurisdictional Transfer of 6100 feet of Pipeline
Road (C.H. 31) to the Town of Normal. Motion carried.

Chairman Bass stated the next item is a Local Agency Agreement for White Oak Road (C.H. 70). Mr. Mitchell stated that this is the Local Agency Agreement for the bridge work on White Oak Road (Old 150). It is a separate project from the resurfacing project that will be done first on this road. The Local Agency Agreement must be completed in order to receive the \$960,000.00 in federal bridge rehabilitation and replacement program funds.

Motion by Dean/O'Connor to recommend
Approval of a Local Agency Agreement for
repairs on White Oak Road Bridge, Sec.
00-00182-01-BR. Motion carried.

Chairman Bass informed the Committee that the next item is the Wind Farm Road Maintenance Agreement and Exhibits. Mr. Dean asked if the Committee was going to consider this item without the aid of Mr. Brian Hug, Assistant State's Attorney. Mr. Mitchell informed the Committee that Mr. Hug had another commitment this morning and could not make the meeting. Mr. Mitchell stated that he would give the Committee a brief overview of the Road Agreement. He stated that members of the County staff have been working with members of Zilkha's staff for over a year on a plan and road agreement. Mr. Mitchell stated that this wind farm project is the largest proposed in the Country. It is proposed to have 260 towers. It will be split into two phases, High Trail and Old Trail are the two separate phases. The proposed wind farm will be located in Arrowsmith, Dawson, and Cheney's Grove Townships. There are several County Highways that will be affected by this proposed development. The bulk of the road work will be on the Township Road system. This is a very extensive project. There will be many heavy loads in and out of this area. The loads which carry the generators will be approximately 200,000 lbs. The propellers will be approximately 120 feet long, and the towers themselves will be nearly 300 feet high. The towers will be delivered in segments, but will be very large awkward loads. Roads will also

have to be built across the fields to get to each of the tower sites. The construction of the wind farm will have a significant impact on County roads. The proposed agreement is lengthy, but Mr. Mitchell stated that he would be happy to go over the agreement or answer any questions that the Committee may have about the agreement. Chairman Bass stated that the Committee's main concern should be that the County's roads are maintained and or repaired as necessary. Mr. Mitchell agreed. He stated that is what the Road Agreement is intended to do. Chairman Bass directed the Committee's attention to "Exhibit B" on page 28 of their agenda packets. This page lists all County Roads that are affected by this proposed development. Mr. Mitchell advised the Committee that there is a list of pre-construction and post-construction improvements. Mr. Mitchell noted that the Highway Department will make a pre-construction inspection in which the Department will videotape the condition of the roads, take pictures and wheel lane rutting measurements of all of the affected roads. At the end of the project, the Department will re-video, re-measure and compare the results. If the wheel lane rutting is any worse than it was in the pre-construction inspection, then the post-construction work will need to be completed. Mr. Mitchell briefly explained what type of damage might be expected on each of these roads and stated that he would be happy to answer any specific questions that that Committee may have.

Mr. Dean asked what is the status of the Township Agreements. Mr. Mitchell replied that the Township Agreements will be very similar in nature to the County's Road Agreement. Mr. Dean asked if all of the Townships have signed agreements. Mr. Mitchell responded that the Townships have not signed documents yet, but are very close to reaching agreements with Zilkha and their attorneys. Mr. Dean asked who is the responsible party within the Townships who signs an agreement. Mr. Mitchell replied that it is the Township Road Commissioner.

Mr. Mitchell added that the Agreement does include a double indemnity clause. Chairman Bass asked Mr. Mitchell if he would explain how the escrow will work in this particular agreement. Mr. Mitchell replied that High Trail and Old Trail will provide a \$500,000.00 escrow account and a letter of credit that is also funded at \$500,000.00. The intent is that the two companies will make payments directly as construction moves along. If they do not make payments, money is taken from the escrow account. The Agreement calls for Zilkha to replenish any funds to the escrow account as the funds are used so that the balance is always maintained at \$500,000.00. If, for some reason, the funds are not replenished, then the County can pull funds from the letter of credit. Mr. Mitchell added that Zilkha has stipulated that they will allow an \$11 million maximum payout. The County's estimate for the work is \$5.5 million. The County resisted the fact that Zilkha wanted to put a cap on the amount of money that they would spend on this project. Their attorneys were adamant about placing a maximum on construction

spending. Mr. Mitchell stated that the County feels that because their maximum in the agreement is double what the County has estimated the project will cost. The County has agreed to the stated maximum.

Mr. Hoselton asked if all of the landowners have agreed to the erection of the towers on their land. Mr. Mitchell stated that his understanding is that all parties have agreed, but Mr. Hug would probably have to definitively answer that question. Mr. Dean stated that all landowners should have been contacted by the Building and Zoning Department or at least invited to a Public Meeting. Mr. Mitchell stated that he would assume that on each tower site that is shown, there is a lease agreement with the landowner.

Mr. Mitchell reminded the Committee that the work will be completed in phases so the County will not be caught in a position with all of their roads in disrepair at one time. These roads will be repaired a road at a time.

Ms. O'Connor stated that she feels comfortable with the agreement. Chairman Bass agreed. Chairman Bass asked who will likely sign the agreement first. Mr. Eric Schmitt, Assistant County Engineer, informed the Committee that Mr. Bill Whitlock, Zilkha Energy, called yesterday and wanted to know when the County wanted the signed agreement. So it is likely that the agreement will come before the County Board already signed by Zilkha. Chairman Bass asked if Zilkha will be using local contractors or will they bring in contractors from out of state. Mr. Mitchell responded that Zilkha will have a prime contractor that they will negotiate with and then they will have multiple subcontractors. The County Highway Department will be the contracting agency for the all of the roadwork which will take place before and after the development of the wind farm. On the roads that are built by the wind farm, they will contract and bid their own work.

Chairman Bass asked if this item will go before the full County Board in August. Mr. Zeunik responded that this item and the Zoning Board of Appeal's Findings of Fact and Recommendation will go before the County Board this month.

Mr. Mitchell commented that on page 4 of the Agreement, it states that the first year of the construction and each year after for five years, Zilkha will pay the McLean County Highway Department \$50,000.00 per year to cover the Highway Department's permitting costs. Therefore, there will be no individual highway permit fees charged to Zilkha for any of their permits. Mr. Mitchell added that if construction continues on past five years, Zilkha will continue to pay the McLean County Highway Department \$50,000.00 per year for permitting costs.

Chairman Bass asked if there were any further questions. Hearing none, he stated that a motion would be in order.

Motion by Dean/O'Connor to recommend approval of the Road Use Agreement between McLean County and Zilkha. Motion carried. Mr. Hoselton voted "no".

Chairman Bass stated that the next item on the agenda is the project summary report. Mr. Mitchell stated that Rowe Construction has completed their work on Stringtown Road. There are a few railing adjustments to be made. The Heller Bridge east of Towanda is moving along as scheduled. The concrete is poured and the road should be reopened shortly. Completion is expected by August 19th. The Stanford Road project has not been started. Rowe will begin construction on that project tomorrow. The Highway Department has done extensive drainage work in the Village of Stanford to prepare for this scheduled roadwork. The culvert work on the LeRoy-Lexington Road is being done by Stewart. Rowe Construction was the low bidder for the federal project on the LeRoy-Lexington Road. Mr. Hoselton commented that the Highway Department always does an excellent job informing the public about where roadwork will be taking place and about any road closings.

Chairman Bass informed the Committee that there is an explanation of a question that was raised at the last Transportation Committee regarding the payment of two bills. Mr. Mitchell asked if there were any questions. Hearing none, Chairman Bass moved on to the next item which is the Route 66 Bike Path Enhancement Grant Application.

Mr. Mitchell advised the Committee that the Route 66 Bike Path from Towanda to McLean has been in Phase I of construction for the past year. There are Intergovernmental Agreements in place between Bloomington, Normal, McLean, Towanda, Chenoa and the County of McLean to fund and maintain a bike path. There are construction funds involved in this project from all of those entities. The State of Illinois put out a call for enhancement fund applications approximately two months ago. In working with all of the other agencies, McLean County put together a grant application requesting \$2.3 million. Mr. Mitchell noted that when he hand delivered the application yesterday, he spoke with Mr. Keith Sherman, the Division Manager at IDOT. Mr. Mitchell informed Mr. Sherman that the agencies involved would actually like to extend the bike trail past Funk's Grove to McLean, but that will require additional funding. Mr. Sherman encouraged Mr. Mitchell to either rewrite the application or submit an application for the additional funds that are needed to extend the trail. The Highway Department resubmitted the application with a request for an additional \$1.4 million. Mr. Mitchell commented that there are no guarantees that McLean County's application will be awarded the grant, but there is a big push due to the fact that the bike path will be located near the Route 66 corridor. This proposal is the first of its kind for a bike path to be located on the Route 66 corridor in Illinois. This will be 80% federal funding, administered by the State of

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Illinois, and the remaining 20% is split between all of the participating local agencies.

Chairman Bass asked if there were any further comments or questions. Hearing none, he called for a motion to adjourn.

Motion by O'Connor/Bass to adjourn the Transportation Committee Meeting at 9:10 a.m. Motion carried.

Respectfully submitted,

Christine Northcutt
Recording Secretary

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