

Minutes of the Transportation Committee

The Transportation Committee of the McLean County Board met on Tuesday, July 12, 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, Cavallini, O'Connor, Hoselton and Baggett

Members Absent: None

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. Eric Schmitt, Assistant County Engineer

Others Present: Mr. Brian Hug, Civil Assistant State's Attorney; Mr. Jeff Tracy, Project Manager, County Highway Department; Ms. Christine Brauer, Regional Planning Commission; Mr. Jeff Tracy, Project Manager, County Highway Department

**Mr. Dean entered the meeting at 8:05 a.m.

Chairman Bass noted that there was now a quorum and that the Committee could proceed with business. Chairman Bass presented the Minutes of the June 7, 2005 meeting for approval.

Motion by Baggett/Dean to approve the Minutes of the June 7, 2005 meeting of the Transportation Committee. Motion carried.

Chairman Bass informed the Committee that the next item on the agenda is the payment of the June, 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.

Motion by Cavallini/Baggett to recommend approval of the bills for June, 2005 as submitted by the County Auditor. Motion carried.

**Ms. O'Connor entered the Meeting at 8:12 a.m.

Chairman Bass stated that the first item for action is the letting results from the July 6, 2005 for County and Township projects. Mr. Eric Schmitt, Assistant County Engineer, County Highway Department, informed the Committee that there were three projects to let at the July 6th Letting. The first project is a County Non-MFT project, which is a result of the Jurisdictional Transfer of portions of Ireland Grove Road and Oakland Avenue from the County to the City of Bloomington. Mr. Schmitt informed the Committee that part of the Agreement was that the County overlay Ireland Grove Road from Towanda Barnes Road to the City of Bloomington limits and Oakland Avenue from Six Points Road to the Goose Creek Bridge. Mr. Schmitt informed the Committee that the low bidder on this project was Rowe Construction at \$597,228.05 at 2.73% under the engineer's estimate.

Mr. Schmitt stated there were also two Township Bridge Projects. The first project is in Chenoa Road District which is the Voland Bridge. The low bidder on this project was Stark Excavating at \$176,497.50 at 7.34% under the engineer's estimate. The final project is a bridge project just South of Gridley in the Gridley Road District. H.J. Eppel was the low bidder for this project at \$225,497.65 at 11.51% under the engineer's estimate. Mr. Schmitt stated that the Highway Department recommends approval award of all of these bids.

Mr. Dean asked why there was only one bidder for the overlay of Ireland Grove Road and Oakland Avenue. Mr. Schmitt responded that there is not much competition in this area for overlay (hot-mix) work.

Motion by Dean/Cavallini to recommend award of all bids from the July 6, 2005 Letting for County and Township Projects. Motion carried.

Chairman Bass informed the Committee that the next item on the agenda is the Gabriel Hills Subdivision. Mr. Schmitt stated that Mr. Jeff Tracy, Project Manager, County Highway Department, has provided the Members of the Committee a memo in their agenda packets. Mr. Schmitt asked Mr. Tracy and Mr. Brian Hug, Civil Assistant State's Attorney to present this item to the Committee. Mr. Tracy stated that when this subdivision was originally built the intent was for the River of Life Church to be built on one of the lots and the remainder of the lots were intended for members of that church. Due to the fact that water could not be found on the property after it was subdivided, it was never developed. Mr. Tracy informed the Committee that recently the Bloomington Township Water District came in and provided water to the subdivision. Mr. Tracy noted that because none of the lots were sold in the subdivision when it was originally developed, the developer never finished the original punch list. When the County finally decided to take the escrow money and finish the subdivision, it was discovered that the bank that was supposed to be handling the escrow had never set up an escrow account. They paid the money to the developer out of a construction loan fund. Therefore, when the construction loan was paid off, there were no funds left. According to the escrow agreement that the bank had with the County, there still should have been \$20,000.00 left in the escrow account. Mr. Tracy stated that he then turned this issue over to Mr. Hug. Mr. Hug stated that this project has been in the works for 10 – 12 years and has a very long history. Mr. Hug stated that he has sent several letters in the past making demands to the bank to no avail. Mr. Hug stated that he then met with the President of Bank One, Mr. Bill Mullins. Mr. Mullins referred this issue to the Bank One legal department due to the fact that this issue was handled improperly. Mr. Hug stated that he then spoke to an attorney at Bank One on July 11th. The attorney made an offer to pay a portion of the escrow and Mr. Hug informed the attorney that the County will accept no less than the full amount. Mr. Hug stated that the attorney informed him that she would have

to go back and review the entire file and then get back with him. Mr. Hug stated that he thinks that this matter will be able to be resolved. The bank has recently become very willing to work with the County on this matter.

**Mr. Hoselton entered the Meeting at 8:23 a.m.

Mr. Hug informed the Committee that it has two questions to consider. The first question is: Does the Committee wish to authorize County to do the work to finish the subdivision and the second question is does the County want to authorize any type of legal action. Mr. Hug stated that he would ask the Committee to wait on any type of legal action because he feels strongly that this matter can be resolved without legal action. Mr. Cavallini asked if there was any kind of timeline that the Committee can expect an answer from Bank One. Mr. Hug responded that he had expected this to be resolved prior to this meeting, but when this matter reached the legal department of Bank One, it stalled. Mr. Hug stated that the bank has indicated a decision should be made very soon.

Mr. Baggett asked who is in control of the property currently. Mr. Tracy responded that the lots have all been sold and dwellings have been built on all of the lots except for two. The developer, Mr. Don Maxedon, has since moved out of state. Mr. Tracy stated that rumor has it that Mr. Maxedon is residing in Las Vegas, NV. Mr. Tracy stated that the developer would typically be in control, but he is obviously absent. Mr. Tracy stated that the property was developed under the River of Life Church.

Mr. Cavallini asked if the County would have a strong legal position should they decide to pursue this legally. Mr. Hug stated that the County is probably in a good position, but there are always other variables. Mr. Hug stated that another developer came in and tried to fill the final punch list and when he could not afford the final seal coat required by the Township on the roads he gave up. The bank's lawyer has argued somewhat over the statute of limitations, but the bank's administrator has told her to resolve this matter regardless the statute of limitations. Mr. Hug stated that the statute of limitations that the bank's lawyer is citing are not specifically applicable to this agreement. However, that does not mean that this could spend a couple of years in litigation. Mr. Baggett asked if the County would pursue the bank, the developer or both parties. Mr. Hug responded that it would be advisable to go after both parties if it came to seeking legal action. Mr. Dean asked what is the status of the roads in the subdivision right now. Mr. Tracy stated they are in very poor condition. They have not been maintained since they were built in 1993. That is the reason that the road commissioner will not take the roads over.

Chairman Bass asked if these items were to be taken in one motion or separately. The Committee agreed to take them separately.

Motion by O'Connor/Cavallini to accept the staff's recommendation to overlay the existing roads in the Gabriel Hills Subdivision. Motion carried.

Chairman Bass asked Mr. Hug how he would like the Committee to proceed with the recommendation for litigation in this case. Mr. Hug requested that the Committee not recommend legal action at this time. The Committee agreed.

Chairman Bass stated that the next item on the agenda is a Resolution for an 80,000 lb. Weight Limit for Stanford Grain Company and Earlybird Grain and Fertilizer Service, Inc. Chairman Bass asked Mr. Schmitt to present this item to the Committee. Mr. Schmitt reminded the Committee that last month the Committee recommended approval to upgrade Stanford Road to an 80,000-lb. Road with Stanford Grain Co. and Earlybird Grain and Fertilizer, Inc. paying a portion of the cost. Mr. Schmitt stated that this is the Weight Limit Resolution that designates that as an 80,000-lb. road.

Motion by Hoselton/O'Connor to recommend approval of an 80,000-lb. Weight Limit Resolution for Stanford Road, Sec. 04-00122-03-RS. Motion. Carried.

Chairman Bass stated that the next item on the agenda is a Speed Limit Resolution for County Highway 37 and County Highway 8. Mr. Schmitt informed the Committee that there have been requests from the public to reduce the speed limit in two locations. The first is on County Highway 37 (Linden Street) near Hudson, south of Whittaker's. Mr. Schmitt advised the Committee that a speed study has indicated that the speed should be reduced from 55 MPH to 45 MPH for 3200 feet before the hard curve into Hudson, which is already marked with an advisory plate recommending a 45 MPH speed limit. Mr. Schmitt stated that the other location is around Lake Bloomington on County Highway 8. The speed limit is currently 55 MPH on that road until it reaches the backwaters and then is reduced to 45 MPH. Mr. Schmitt stated that the Highway Department is recommending reducing the speed to 45-MPH all the way until Ron Smith Printing. There is a park and a few residences to the North of that area. Chairman Bass stated that he concurs with these two changes because he is familiar with both of these areas and this would make these areas safer.

Motion by Dean/Cavallini to recommend Speed Limit Resolutions for County Highway 37 and County Highway 8. Motion carried.

Chairman Bass informed the Committee that the next item for action is a Federal Agency Agreement and a Resolution for Improvement for Old Route 150.

Mr. Schmitt informed the Committee that the first part of this item is a Federal Agency Agreement for the resurfacing of White Oak Road (Old Route 150) from Locust Street to New Route 150, which is approximately 4.4 miles. Mr. Schmitt stated that this project is on the State of Illinois Fiscal Year 2006 calendar and this is the Federal Agency Agreement that the County must enter into in order to spend the federal funds.

Motion by Dean/O'Connor to recommend approval of a Federal Agency Agreement for the resurfacing of Old Route 150, Sec. 03-00182-00-RS. Motion carried.

Mr. Schmitt explained for that same project, a Resolution for Improvement must be passed to appropriate Motor Fuel Tax (MFT) Funds in the amount of \$280,000.00 which is budgeted in the five year plan.

Motion by O'Connor/Cavallini to recommend a Resolution for Improvement for the resurface of Old 150, Sec 03-00182-00RS. Motion carried.

Chairman Bass informed the Committee that the last item for action on today's agenda is a Windfarm Road Use Agreement. Mr. Schmitt informed the Committee that the Windfarm Road Use Agreement will need to be removed from today's agenda due to a late development yesterday afternoon. The attorney for Zilkha, the Windfarm developer, has asked to change some of the language in the Agreement. The agreement will be presented to the Committee at next month's meeting. Mr. Hoselton asked why the Committee is approving this before the Zilkha has obtained their Special Use Permit from the Zoning Board of Appeals. Mr. Schmitt responded that the Building and Zoning Department had asked that a Road Agreement be in place before the Windfarm itself be approved. Mr. Schmitt stated that now, due to the slight delay, the Road Agreement will be presented to the Transportation Committee in August and the Special Use request will be presented to the Zoning Board of Appeals in August. If approved, they will both be presented to the County Board for approval at the County Board's August Meeting. Mr. Schmitt asked Mr. Hug if he had anything to add. Mr. Hug advised the Committee that the Road Agreement is nearly complete. Late last week Zilkha's attorney decided to make some minor changes and before asking for the Committee's approval, Mr. Hug would like to sort through the changes and make some of his own.

Chairman Bass asked if Zilkha's lawyer was proposing major changes. Mr. Hug replied that the changes were relatively minor except for a portion dealing with the escrow. Mr. Hug informed the Committee that the agreement requires an escrow to be set aside that the County would draw against on a regular basis. Zilkha's attorney wanted to change the language to make it so that Zilkha would

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pay the County on a regular basis. Mr. Hug stated that he does not agree with that change so he will fine tune the Agreement before it is presented to the Committee.

Chairman Bass stated that the next item is the current projects summary. Mr. Schmitt stated that the first project is the Stringtown Road project. Mr. Schmitt stated that this is the overlay project that was started last year. Most of the work was done last year. The surface was put on and the guardrail is in place. Only minor changes are left to be made and this project will be complete.

Mr. Schmitt stated that the Wefer Culvert is the culvert on LeRoy/Lexington Road that is $\frac{1}{4}$ mile South of ThomasCraft Road. The guardrail is in place and the project is complete.

Mr. Schmitt stated that the last project is the Heller Bridge is a mile East of Towanda on County Highway 14. The bridge-deck was poured on July 1st. The approach slabs were poured yesterday. This road will probably be reopened within the next month.

Chairman Bass asked if there was anything further from the Committee. Mr. Hoselton asked if it was possible for the Highway Department to come out a patch some of the holes in the Lexington overpass. Mr. Schmitt responded that the Highway Department has applied for federal funding to repair that overpass. Mr. Schmitt stated that he will make a note that there are holes that need to be patched in the meantime.

Chairman Bass asked if there were any further comments or questions. With no further business to come before the Committee at this time. Chairman Bass declared the meeting adjourned at 8:45 a.m.

Respectfully submitted,

Christine Northcutt
Recording Secretary