

Minutes of the Transportation Committee

The meeting of the Transportation Committee was held on April 4, 2003 at 8:00 a.m. at the Law and Justice Center, Room 700, 104 West Front Street, Bloomington, Illinois.

Members Present: Chairman Bass, Members Cavallini, Dean and Rodgers Hoselton and Owens

Members Absent: None

Staff Members Present: Mr. John Zeunik, County Administrator;
Mr. Terry Lindberg, Assistant County Administrator;
Mrs. Carmen Zielinski, Administrator's Office;
Ms. Jennifer Sicks, Transportation Planner, Regional Planning; Mr. Jack Mitchell, Highway Engineer;
Mr. Phil Dick, Director, Building and Zoning

Others Present: None

Chairman Bass called the meeting to order at 8:03 a.m.

Chairman Bass presented the Minutes of the March 4, 2003 meeting for approval.

Motion by Ownes/Hoselton to approve the minutes of March 4, 2003 meeting of the Transportation Committee. Motion carried.

Chairman Bass presented the bills for approval.

Chairman Bass asked if the bills could be included with the agenda in order to facilitate review of the bills in a timely manner. Mr. Mitchell answered that the Auditor does not make them available to the Highway Department until the day before the meeting.

Motion by Hoselton/Cavallini to approve the bills for March 2003 as submitted.

Mr. Cavallini asked that the monthly bills include the present balance of the fund lines regarding the Highway Department. Mr. Mitchell thinks that this can be provided. He will ask the County Auditor to provide six copies for the members of the Transportation Committee.

Motion carried.

Mr. Mitchell presented the results of a letting from March 20, 2003. Mr. Mitchell explained that the letting was for McLean County and various Road District Maintenance Sections with J.M.H. Trucking, Co., Bloomington, IL; Rowe Construction,

Bloomington, IL; McLean County Asphalt, Bloomington, IL, and Emulsicoat, Inc., Urbana, IL., for Oil Chips.

Mr. Mitchell explained that the reason the bids are off the estimates for the materials is because the estimates were made in November, 2002, when the bid specifications were put together. Since then, crude oil prices have escalated and declined. The bid opening occurred around the start of the Iraq War. Because of this action, asphalt prices surged. Mr. Mitchell clarified that asphalt is the by-product of crude oil that is refined. The asphalt availability is based on how much fuel oil is used in winter, because the refineries can take more gas fuel oil out and decrease the amount of asphalt left over. During the summer, more gasoline is produced so asphalt production increases. The price of asphalt coordinates with the supply and demand cycle.

Because of this cycle and the present prices of asphalt, at the bid opening, the Townships agreed to wait to see what happens with the price of oil. If oil prices stabilize or decrease, it may be beneficial to reject these bid prices and re-bid, or bids should be accepted as opened. At this time, Mr. Mitchell is recommending that these Letting results be presented as a Stand-Up before the County Board meeting, after he has had a chance to discuss this further with the Townships involved next week.

Mr. Hoselton expressed some concern as to the differences between project estimates and actual bids received. Mr. Mitchell noted that the projected estimations are reflective of past experience on bidding, and bids from other Counties and contractors. Chairman Bass did not think that the projected estimations were too far from a fair value. Mr. Mitchell explained that at the time these projected estimations were made material and fuel costs were taken into account. At the time the bids were received, diesel fuel prices were high. Unfortunately, this letting occur at a bad time in the market regarding fuel.

Mr. Mitchell clarified that the Highway Department will wait until next week to decide, with the input of the Townships, whether to continue with this letting or whether to reject it. Mr. Mitchell pointed out that since the bids are over the 5% estimate figure, IDOT has to give their approval before awarding. Mr. Mitchell does not feel that IDOT will object to the letting. Mr. Owens stated that it is his understanding that a bid that is under or up to 5% of the estimate can be decided upon by the Committee. Mr. Mitchell explained that a bid that is 5% to 10% over the estimate has to be justified by IDOT. A bid over 10% is usually rejected right away.

Mr. Cavallini stated that other Counties are probably experiencing the same situations with prices and material prices. Mr. Mitchell agreed.

Mr. Owens pointed to some bids listed on the bid documents that were rejected by the Township or the County. Mr. Mitchell explained that after some discussion, those bids were rejected and the bidders were allowed to rebid.

Motion by Owens/Cavallini to recommend forwarding the request for approval of the results of a Letting from March 20, 2003, for County and Township Projects to a Stand-Up meeting before the County Board meeting. Motion carried.

Mr. Mitchell presented resolutions for approval for Improvement by County of Stringtown Road, Section 99-00057-08-WR and Stringtown Road, Section 99-00057-09-BR. Mr. Mitchell noted that Section 08-WR of Stringtown Road will widen and resurface the 1.66 miles of Stringtown Road. Leveling binder, bituminous concrete binder, surface courses, aggregate shoulders are scheduled to be constructed. Right-of-Ways are to be improved and a bridge will be widened. This project is estimated at \$670,000.00. Section 08-WR will cover 4.05 easterly miles of Stringtown Road. The projected work to be performed includes shoulder work with the construction of aggregate shoulders, incidental bituminous surface and culvert extensions. This project is estimated at \$300,000.00.

Mr. Owens asked when the estimates were put together. Mr. Mitchell answered that these estimates were put together just a few weeks ago. Mr. Hoselton asked if all of the work listed on these bids are being done by the Highway Department. Mr. Mitchell answered that Section 08-WR is being contracted out. Mr. Mitchell explained that the Highway Department will be doing the dirt work along the side of the road, the asphalt, the widening and the bridge work will be performed by a contractor. In Section 09-BR, all of the work will be performed by the Highway Department.

Motion by Owens/Rodgers to recommend approval of a resolution for Improvement by County of Stringtown Road, Section 99-00057-08-WR; Stringtown Road, Section 99-00057-09-BR. Motion carried.

Mr. Mitchell presented resolutions for approval for Improvement by County of Towanda-Gridley Road and Section 03-00071-02-WR; and Towanda-Gridley Road, Section 03-00135-05-RS. Mr. Mitchell noted that Section 02-WR of the Towanda-Gridley Road will incur widening and resurfacing with the construction binder, bituminous concrete binder and surface courses and aggregate shoulders. This project is estimated to cost \$575,000.00. This project starts at the interchange near Towanda, across the overpass, where the concrete ends and the concrete starts. This project will cover about 1.9 miles. The second project, Section 05-RS of the Towanda-Gridley Road entails the resurfacing

with the construction of leveling binder, bituminous concrete surface course, aggregate shoulders and related items. This project has been estimated to cost \$75,000.00.

Motion by Hoselton/Rodgers to recommend approval of a resolution for Improvement by County of Towanda-Gridley Road, Section 03-00071-02-WR; Towanda-Gridley Road, Section 03-00135-05-RS.

Ms. Rodgers asked for an update on the Six Points Road area. Mr. Mitchell answered that Six Points Road has been an item of discussion with the City of Bloomington. In the past, a light resurfacing was done in order to preserve the road. At this time, there is no agreement for any further projects on Six Points Road. The future thought is to have an agreement with the City of Bloomington, utilizing Federal Aid Urban Funding to widen out Six Point Road to four lanes up to Alexander Road, then it should drop to three lanes.

Mr. Mitchell presented resolutions for approval for Improvement by the County of Ellsworth Road, Section 03-00134-04-RS. Mr. Mitchell stated that this project starts going south out of Ellsworth. This 1.8 mile project consists of resurfacing with the construction of leveling binder, bituminous concrete surface course, bituminous cold-mix and aggregate shoulders. This project will be contracted out at an estimated amount of \$400,000.00.

Motion by Owens/Cavallini to recommend approval of a resolution for Improvement by County for Ellsworth Road, Section 03-00134-04-RS.

Chairman Bass asked what the time frame is for the start of these road projects. Mr. Mitchell answered that part of the Ellsworth Project is to stockpile gravel, make the necessary material preparation, pugging, and then lay the material. It is recommended that the summer heat be allowed to warm this road before work is started. The Towanda-Gridley Road project will need to be advertised and will start after the bid process has been completed. The Stringtown Road project will start after the Right-of-Way has been obtained. This project may happen late in the year or it may be moved to the 2004 Fiscal Year budget.

Mr. Hoselton wanted to know why Towanda-Barners Road has a 35 miles per hour speed limit. Mr. Mitchell answered that the Rowe Construction Company called the Highway Department and stated that they were ready to start working on Towanda-

Barnes Road. Work zones on Towanda-Barners Road are 35 miles per hour, so the signs were put out. Unfortunately, Rowe Construction did not show up to start the work until a week after they made the request for the speed limit. The usual speed for Towanda-Barnes Road is 45 miles per hour. Because Towanda-Barnes Road has curb and gutters, IDOT mandates 45 miles per hour to be the highest speed allowed.

Motion carried.

Mr. Mitchell presented an Illinois Department of Transportation (IDOT) Intergovernmental Agreement for McLean County Geographic Information System (GIS). Mr. Mitchell stated that the Intergovernmental Agreement between IDOT and McLean County to develop a GIS provides that the County would receive \$80,000.00 as reimbursement for furthering the County's GIS Program. Mr. Mitchell noted that this grant would allow another level of GIS use by various County Departments. The necessary Planning, Training and Hardware associated with this program will need to be facilitated. The Highway Department intends to purchase the hardware and software necessary to implement this program and intends to hire a GIS Specialist to maintain and run this program for the County. Mr. Mitchell noted that this grant was first submitted to the Transportation Committee back in September 24, 2002. Since the grant announcement was submitted, IDOT has capped the grant at \$80,000.00. IDOT funds need to be matched by \$20,000.00 from local funds. Mr. Mitchell reminded that Committee that the original budget for the project included a GIS Specialist and a Support Person positions, but because the State money has been cut from \$100,000.00 to \$80,000.00, it appears that the best way to make this grant work would be to eliminate the Support Person position for this project. Mr. Mitchell explained that the \$80,000.00 from the State of Illinois and the \$20,000.00 matching local funds have been delegated as follows:

Personnel:	GIS Specialist (Grade 11)	\$ 43,000.00
	Fringe Benefits	\$ 10,000.00
Training:	Training	\$ 12,000.00
Hardware/Software	Hardware/Software	<u>\$ 35,000.00</u>
		\$100,000.00

Mr. Mitchell listed the funding sources for this GIS Projects as follows:

IDOT GIS Grant	\$ 80,000.00
McLean County	<u>\$ 20,000.00</u>
	\$100,000.00

Mr. Mitchell explained that the \$20,000.00 McLean County matching portion would be funded from the McLean County Highway Department County Highway Fund Personnel Budget at \$10,000.00 and \$10,000.00 from other County funds. Mr. Mitchell stated that

the McLean County GIS needs to continue because the benefits to County departments and the public are numerous. The future funding of this program could come from the GIS Recorder fee along with part of the money saved from not contracting with Sidwell. Mr. Mitchell is confident that the fee set for each of the departments that will be using the GIS will be sufficient to maintain the program. Mr. Mitchell noted that since this is a Department of Transportation grant, the GIS Specialist and its supporting hardware should start out in the Highway Department. As the County offices move to the new Government Center, the GIS Specialist would work better if housed within the Building and Zoning Department. Mr. Mitchell noted that Mr. Zeunik, County Administrator, Mr. Phil Dick, Building and Zoning, Mr. Bob Kahman, Supervisor of Assessments have been working with Mr. Mitchell on this grant and concur with the recommendations mentioned.

Mr. Phil Dick, Director, Building and Zoning Department, stated that initially, half of the work related to this program will be transportation related. The GIS capabilities will increase for other departments as time went on.

Mr. Hoselton noted that this GIS program will allow for the termination of Sidwell from the budget, so future funding for this new GIS program could be provided by the funding assigned to Sidwell at this time. Mr. Dick noted that the County is presently maintaining two types of Cadastral or parcel mapping systems. A digital parcel mapping system was finally completed last November. Now, the County has to maintain two parcel boundary map systems. One of them, which is a digital system, is maintained at Regional Planning and the other system that has been maintained by the Sidwell Company for many years and needs to be maintained through the year 2003.

Motion by Hoselton/Cavallini to recommend approval of a Intergovernmental Agreement with the Illinois Department of Transportation for a McLean County Geographic Information System for the McLean County Highway Department.

Mr. Owens reminded the Committee that future funding for this GIS Program will be provided by the GIS Recording Fees. Mr. Mitchell answered that was correct. Ultimately, the new Specialist will be incorporated into the Building and Zoning Department staff. Ms. Rodgers speculated that the new Specialist will need a Support person. Mr. Mitchell stated that he is not sure what the new Specialist will need as far as supporting staff, but if it is determined that a support staff is needed, a new hire will have to be made.

Mr. Owens asked if the County was still under a hiring freeze. Mr. Zeunik answered that the hiring freeze expired on December 31, 2002 for General Fund positions.

Motion carried.

Chairman Bass referred to the Right of Way Negotiator item on the agenda. Mr. Mitchell stated that at the conclusion of purchasing the Right of Way for the Towanda-Barnes Road, the Transportation Committee discussed the hiring of a negotiator to purchase the Right of Way for McLean County. The main reason for this line of thinking was due to the lengthy time it took to purchase the Right of Way for Towanda-Barnes Road, the staff time used and several complaints that were received. In September 2001, the Committee discussed hiring former County Board Member Bill Anderson to negotiate the Right of Way for Randolph Road. This was met with some resistance and with the State's Attorney's Office informing the Transportation Committee that if this project was being labeled as professional work being exempt from bidding, IDOT approved negotiators and contracts should be used. Due to this opinion, consideration of Mr. Anderson's contract was dropped in November 2001. Mr. Mitchell stated that since this project needs to go forward, the Committee decided to negotiate the project using Highway Department personnel, but that for future projects outside negotiators should be contracted.

Mr. Mitchell explained that due to the Committee's decision to have future projects handled by an outside negotiator, he prepared a Request for Proposal for a Right of Way Negotiator and sent it to the IDOT approved Negotiator on IDOT's list within a 60 mile radius. The result was a Negotiator's contract with Mr. Gerald Brady that was presented at the Transportation Committee meeting in March 2003, which was forwarded to the County Board for approval at a Stand-Up Meeting. As a result of the Committee tabling this action at the Stand-Up Committee, further research was done. Four alternatives for acquisition of Right of Ways for Stringtown Road are being presented for the Transportation Committee's consideration:

- 1) Proceed with the Right of Way Negotiator contract with Mr. Gerald Brady. The cost of this would be \$650.00 per parcel for 48 parcels equaling \$31,200.00, plus \$300.00 per one-half day of court and court preparation. The completion of this project would be delayed by one month due to the County Board scheduling.
- 2) Request that the State's Attorney's Office negotiate this contract for the Highway Department. Mr. Mitchell noted that the State's Attorney's Office successfully negotiated a previous Right of Way. The down side to this option is that Mr. Brian Hug, Assistant State's Attorney, who has the experience in this matter, is in the Navy Reserves and may not be available in the future. Also, Mr. Hug noted that if he was to negotiate this contract, any handling of condemnations that may be needed could be considered as a conflict issue. In the past, Mr. Hug has handled several condemnations with Mr. Bob Neiryneck, Attorney at Law, doing the larger project's condemnations.

- 3) The County Highway Department engineering staff does the negotiating. This has been done by the Highway Department for the last 20 years. This option does take staff time away from other projects, though. It has been estimated that it takes about 150 hours of evening and weekend overtime, in addition to the hours devoted to regular work, to perform these duties.
- 4) It is possible that a combination of Option 2 and 3, would work, where the State's Attorney's Office handles the correspondence and documents and the actual negotiations with the owners is done by the County Highway Department.

Mr. Mitchell listed the IDOT Negotiator's duties, according to the proposed contract.

- 1) The Negotiator sends an introduction letter.
- 2) Appointments are made. The Negotiator meets with the property owners, usually at their residence. At this time, the offer letter (prepared by the Negotiator and based on appraisals) is presented to the owner, with other IDOT publications. The Negotiator explains the proposed project to the owner(s).
- 3) The Negotiator will meet with and talk with the property owners as needed.
- 4) The Negotiator prepares the Deeds, Easements and any other documentation needed.
- 5) The Negotiator takes the check to the property owner and returns with the signed deeds. This can sometime be done through the U.S. mail.
- 6) The Negotiator documents all communication and keeps a parcel file for each of the parcels involved in the project.

Mr. Hoselton noted that there were 48 parcel. Mr. Hoselton assumes that there are individuals that own more than one of these parcels. Mr. Mitchell noted that there are 34 actual sets of owners to be negotiated with. Mr. Mitchell informed the Committee that he discussed the rationale behind charging per parcel instead of by owners. He was told that was how the negotiating business was performed.

Chairman Bass stated that if the negotiations are to be handle through the Highway Department, the staff member has to want to do this type of work. If they don't want to do it, they won't do a good job, which has been the case in the past. If the State's Attorney's Office is going to be doing the negotiating, will the State's Attorney's staff do the leg work as well as the paperwork.

Mr. Cavallini asked if there is going to be a negotiator contracted for each project or is one person going to be contracted to do all of the negotiating. Mr. Mitchell noted that the negotiator's contract being presented relates to just this project of 48 parcels. Future Minutes of the Transportation Committee Meeting
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projects will have to be contracted out again. Mr. Mitchell would like to step back and re-evaluate the process and outcome of this project once it is completed to see how the process occurred and whether the money was worth spending, etc.

Mr. Owens asked how many people in the Highway Department staff at the present time have handled Right of Way negotiations. Mr. Mitchell answered four. Mr. Owens asked if this duty was listed in their job description. Mr. Mitchell did not think it was specifically listed on the job description but asked that Mr. Terry Lindberg, Assistant County Administrator to answer this question. Mr. Lindberg answered that most of the County's job descriptions have an "Other duties as assigned" wording incorporated into them.

Mr. Hoselton is not particularly happy about contracting someone out of county, specially when there are qualified people within the County. The evaluation of someone property is a stressful situation. Proper procedures need to be established and follow in order to make this negotiation process work, such as announcing the County's intent on the property and the official request to approach the property owner.

Ms. Rodgers asked why a change to the process of negotiating Right of Ways is being requested now. Mr. Dean answered that the Property Committee directed Mr. Mitchell to revisit this request. Mr. Hoselton stated that he does not remember the Committee directing Mr. Mitchell to make this request, he believes that the Committee asked Mr. Mitchell to research this issue and report back to the Property Committee.

Mr. Dean stated that he was glad the Transportation Committee revisited this issue. Mr. Dean likes the way Mr. Mitchell listed the necessary steps needed in the negotiation process, but wants to know if the Highway Department have the staffing for these projects.

Ms. Rodgers feels that a "professional" administering any type of negotiation or transaction is able to render a smooth process and solution because it eliminates personality issues. Mr. Mitchell informed the Committee that he had a staff member retiring in the near future that was going to place the Highway Department on a short-staffed position. Mr. Mitchell stated that he will start the process to hire a new person to help but the process takes some time. Overtime expenses are going to be incurred due to the shortage of staff and due to the time consuming process on negotiating these parcels.

Ms. Rodgers asked what was the projections, in hours, regarding overtime. Mr. Mitchell answered around 150 hours, reflecting an expense around \$6,000.00.

Motion by Dean/Hoselton to remove the motion to recommend approval of a Contract with Gerald W. Brady, Right of Way Negotiator, from the table. Motion carried.

Mr. Mitchell would like to have a professional contract with a negotiator for this particular project under the present circumstances of being under staffed in the Highway Department. Mr. Mitchell knows that his staff is capable of negotiating this project and reaching a satisfactory solution to the right of way but it would require a lot more time than it may take if the negotiator was hired. Mr. Dean appreciated Mr. Mitchell's situation but he would rather give the \$6,000.00 of overtime to a County employee than pay someone out of County.

Mr. Hoselton believes that the person assigned to this project from the Highway Department should be trained to follow the proper negotiation process and use an established time line to keep this project moving forward on a timely manner. If the employee is aware of what is expected of him, the employee should be able to do the work on a timely manner.

Mr. Dean recommends making a motion to allow the Highway Department to perform the needed Right of Way negotiations for this project. Further discussion needs to be paid to the role the State's Attorney's Office will be paying on these negotiations though. Mr. Mitchell noted that he can not predict how bad the condemnation process will be in this project. Mr. Mitchell explained that in the past the Highway Department has prepared the deeds and documents necessary and had them reviewed by Mr. Brian Hug, Assistant State's Attorney. If Mr. Hug takes on the responsibility of preparing all of the documentation that may be required for this project, that would allow the Highway Department person to spend more time on other issues.

Chairman Bass asked Mr. Mitchell to explain the difference between Quick Take and Condemnation. Mr. Mitchell explained that Quick Take is a process that the State of Illinois has that is used when the negotiation process breaks down between property owners and the County, resulting in condemnation. In Court, an Order is issued, that orders the property to be turned over to the State Illinois, with the value to be determined at a later time through the Court. The appraised property amount is deposited into an escrow account until the court settlements states the value of the property. Local agencies, under law, are not allowed to practice quick take, but through some legislation, McLean County has been able to achieve quick take in the past.

Mr. Cavallini asked how crucial is speed in the proposed project. Mr. Mitchell answered that this project is not a dangerous situation, it just needs to be completed. Mr. Mitchell

stated that until the Towanda-Barnes Road project is completed, funding for other projects is on hold. This proposed project could end up on the list for 2004.

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Mr. Zeunik stated that at this time, the motion that has been taken off the table is to recommend approval of Contract with Gerald W. Brady, Right of Way Negotiator. This motion needs to be voted down or a substitute motion needs to be made.

Motion by Owens/Dean to recommend approval of a substitute motion to have the Right of Way Negotiations performed by the County Highway Department staff.

Chairman Bass asked if the staff member assigned to make these negotiations can be the contact person for all of the members involved in this negotiation process.

Roll call:	Dean	Yes
	Rodgers	No
	Cavallini	Yes
	Owens	Yes
	Hoselton	Yes

Motion carried.

Mr. Dean expressed his confidence that the staff of the County Highway Department will resolve these negotiations successfully.

Chairman Bass referred to a Revised Federal Agency Agreement for Federal Participation for Section 01-00047-08-RS – Stanford/McLean. Mr. Mitchell stated that the State made the County change the agreement because a small portion of the work is not eligible for state funding.

Motion by Hoselton/Owens to recommend approval of an amended Revised Federal Agency Agreement for Federal Participation for Section 01-00047-08-RS. Motion carried.

Mr. Hoselton referred to the Resolution Recommending the East Side Corridor Facility. Mr. Hoselton stated that some changes were made in the fourth paragraph. This paragraph should now read, "Now therefore, be it hereby resolved that the Mclean County Board concur with Bernardin – Lochmueller & Associates recommendations that an Interstate Facility be constructed near the recommended Route "C" corridor with the North South portion being at or just east of 2000 East and/or

as modified." This clause will allow for any future revisions the County may see fit to make.

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Mr. Owens asked Mr. Dick, Building & Zoning to comment on the zoning issues that may pertain to this matter issue. Mr. Dick stated that as soon as the County Board approves this project, the County Building & Zoning Department can make sure that there aren't any zoning or building permits in the area concerned. Mr. Dick noted that when the alignment was clarified for Mitsubishi Road near Shirley, permits were not issued until developments were reviewed. Development occurred once the property became contiguous to the Cities. It is important to decide this alignment, so the area can be reserved and no development encroachment occurs.

Chairman Bass referred to the agenda Items for Information.

Mr. Mitchell stated that road work on Towanda-Barnes Road has been suspended for the winter. The Highway Department is waiting for the results of the samples collected. Mr. Cavallini asked Mr. Mitchell to keep the Committee informed.

Mr. Owens exited the Transportation Committee meeting.

Mr. Mitchell referred back to Six Points Road that Ms. Rodgers inquired on. Mr. Mitchell encompasses County Highway from Morris Avenue to Oakland Avenue, and north from Euclid to Washington Street. Urban Aid money was used to repair Washington Street and the City took possession of Washington Street. Mr. Mitchell's goal is to have the other three roads on that side of town turned over to the City of Bloomington, but that has not happened because of the availability of urban aid money and these roads are not within the corporate limits. It will be some time before there is funding available for this project.

There being nothing further to come before the Committee at this time, the meeting was adjourned by Chairman Bass at 10:11 a.m.

Respectfully Submitted,

Carmen Zielinski
Recording Secretary