

Minutes of the Transportation Committee

The Transportation Committee of the McLean County Board met Tuesday, September 4, 2001 at 7:30 a.m. in Room 700, Law and Justice Center, 104 West Front Street, Room 701 Bloomington, Illinois.

Members Present: Chairman Bass, Vice Chairman Hoselton, Members Emmett, Owens, Selzer, Johnson

Members Absent: None

Staff Members Present: Mr. Terry Lindberg, Assistant County Administrator; Ms. Martha B. Ross, County Administrator's Assistant, County Administrator's Office

Department Heads/
Elected Officials Present: Mr. Jack Mitchell, County Engineer, County Highway Department

Others Present: Ms. LeAnne James, Government Relations Manager, MediaCom Communications Corporation;
Mr. Roger Bedeker, Utility and Easement Coordinator, MediaCom Communications Corporation;
Mr. Dennis House, Project Manager, MediaCom Communications Corporation

Chairman Bass called the meeting to order at 7:30 a.m. Chairman Bass presented the minutes of the August 7, 2001 meeting for approval.

Motion by Emmett/Owens to approve the minutes of the August 7, 2001 meeting of the Transportation Committee.
Motion carried.

Chairman Bass presented the bills as prepared by the Auditor's Office.

Motion by Owens/Emmett to Approve the Bills as presented and recommended by the Auditor's Office. Motion carried.

Chairman Bass presented the Preliminary Engineering Services Agreement for Motor Fuel Tax ("MFT") Funds. He stated that this agreement is pertinent to Section 99-00007-00-FL with the Farnsworth Group, formerly Farnsworth & Wylie, Inc.

Mr. Jack Mitchell, County Engineer, remarked that the Agreement with the Village of Towanda, covers construction and inspection for various streets and railroad crossing approaches. The affected streets are: Monroe Street, Madison Street, Adams Street, Washington Street, East Street, and Jefferson Street (County Highway 29). He explained that the Farnsworth Group prepared the plans for the project, having served as the village's engineers for some time. Mr. Mitchell stated that approval of the agreement is recommended by the County Highway Department.

Mr. Hoselton asked whether the agreement includes time and materials. Mr. Mitchell responded affirmatively.

Motion by Johnson/Hoselton to approve the Preliminary Engineering Services Agreement for Motor Fuel Tax Funds with the Village of Towanda and the Farnsworth Group, Inc. Motion carried.

Mr. Mitchell presented the request by MediaCom Communications Corporation, successor to Triax Cable Company, for the use of several County Highways to connect their non-metropolitan communities with a state-of-the-art fiber optic-based network. He explained that the County had previously entered into an agreement with Triax for two (2) specific routes. The new agreement would expand those locations beyond the scope of the original agreement.

Mr. Mitchell explained that the legal staff is redoing a new agreement, but it is not yet available. He explained that MediaCom is urgently requesting action on the part of the Committee in order to expedite the process necessary to approve the work. He noted that MediaCom representatives could provide additional insight regarding the urgency of the project. The actual agreement is anticipated to be available to Committee members for their review, prior to the September 18, 2001 County Board meeting.

Ms. LeAnne James, Government Relations Manager for MediaCom, explained that MediaCom is the eighth largest cable company in the United States, with its customer base being located in non-metropolitan communities. She further explained that the company is in the process of rebuilding old cable systems, replacing coaxial cable with fiber optics in order to provide enhanced picture quality, a more reliable network with digital cable and high speed Internet service to non-metropolitan areas.

Ms. James remarked that it is more cost efficient for both the company and its customers to connect rural communities with fiber optics, rather than upgrading individual communities singly. Advanced services would then be more readily available to rural residents.

Ms. James noted that, as per the original agreement with Triax, the locations to be served were Lake Bloomington and the surrounding area, connecting with the Villages of Hudson and Towanda. The original agreement also states that any additional McLean County locations require approval of the McLean County Board. She stated that it is these additional areas for which an expedient approval is currently sought.

Mr. Roger Bedeker, MediaCom Utility and Easement Coordinator, stated that MediaCom has requested access to certain County Highways. A work permit for County Highway 5 from Saybrook to Bellflower has already been filed with the Highway Department. The other location, County Highway 8 around Evergreen Lake and down to 1200 East approaching Hudson, then on to Apollo Acres, is also under consideration for approval.

Mr. Bedeker explained that in order to access Apollo Acres, some Township roads must be utilized. MediaCom has already spoken to the owners located along the Township roads regarding easement rights-of-way. There are seven landowners who have been in negotiations. He noted that MediaCom would clearly communicate with the road commissioners prior to any construction commencement. The major concern with this action is the preservation of farmers' field tiles. He would like to extend the term of the agreement to 24 months so that any damage to tiles could be identified and repaired.

Mr. Hoselton asked whether the installations are done according to normal procedures. Mr. Bedeker responded that several installation methods are employed: plowing, open trenching and directional boring. The method selected at any given location is determined by amount of benefit to the individual landowner and the situation. He noted that MediaCom is committed to returning excavated areas to their original condition, or as near to it as possible.

Chairman Bass asked whether the installations would result in increased expense for consumers in the rural areas. Ms. James responded that all users would benefit from having the fiber optics, whether using only the basic cable service or upgrading to premium services. She stated that the installations will not result in rate adjustments. She explained that rates are normally reevaluated on an annual basis, and any rate adjustments would be dealt with in that context.

Chairman Bass asked whether everyone in the affected communities would have access to the new upgraded service. Mr. Bedeker responded that all residents would have access. He stated that the objective is connecting communities.

Mr. Owens asked whether the written Agreement in its final form, will be available for the meeting of the full Board. Mr. Mitchell responded that such is hoped, although documents are not currently ready. A Stand Up meeting of the Transportation Committee will be the opportunity for Committee members to review the Agreement with MediaCom.

Ms. James remarked that Board approval is sought at the earliest possible time, so that work can be completed before inclement weather arrives during the winter season. Mr. Dennis House, MediaCom Project Manager, estimated a span of approximately two (2) weeks between obtaining Board approval and construction completion. Mr. Bedeker reiterated that proper procedure, with regard to Board consideration, would be the top priority. However, expediency is also highly valued as well.

Mr. Owens asked whether any County roads would be blocked during the installation of the new fiber optic lines. Mr. Bedeker responded that all installations would be into the right-of-way. A shut down of roads is not foreseen. However, some slow down of traffic might occur while equipment is being moved from one area to another. He noted that, in such an event, MediaCom would be responsible for all safety precautions, including but not limited to appropriate signage.

Mr. Owens noted that the harvest season is impending and he did not want to agree something that would cause an impediment to farmers during their short harvest time. Mr. Bedeker agreed that MediaCom would not wish to delay harvest in any way, or otherwise impede local landowners.

Mr. Selzer asked whether any right-of-way has been purchased. Mr. Bedeker responded that no right-of-way was purchased for this project. Rather, MediaCom negotiated an agreement with local landowners wherein the landowners would give MediaCom access to their right-of-way that they have dedicated to the Townships for road use.

Chairman Bass asked whether road crossings would be accomplished by boring under the road, rather than by surface excavation. Mr. Bedeker responded that, in such an event, underground boring would be utilized. Roads would not be disturbed.

Mr. Hoselton asked whether MediaCom would utilize their fiber optic cable for telephone in the future. Ms. James stated that telephony service, i.e., long distance service, would be offered in the future. Additionally, fiber optic service would enable the offering of

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cellular telephone service, personal paging, and other services. However, the most likely offering in the near future will be "video on demand" service. This service differs from the current "pay-per-view" service in that there is a library of titles from which to choose, as well as rewind and freeze frame options.

Mr. Mitchell asked at what stage is the Internet service component. Ms. James responded that provision for digital service must first be established. Then Internet service can be provided from 3 to 6 months following that service. She noted that high speed Internet service has already been launched in some of MediaCom's markets.

Mr. Mitchell asked whether fiber optic cable would need to replace existing coaxial cable inside community boundaries, once the lines outside communities are finished.

Mr. House remarked that the infrastructure of the fiber cables within communities is already under construction. Ms. James remarked that the trunk lines have already been replaced.

Chairman Bass asked why MediaCom's request is made now, so close to the close of summer construction season. Ms. James responded that it came to MediaCom's attention that the franchise they acquired from Triax Cable Company did not include many of the rural community areas, which are desirous of service. Therefore, MediaCom is trying to provide as much service as possible by way of upgrades.

Motion by Hoselton/Owens to approve the request by MediaCom to use County Highways 5, 8, 12, 18 and 1200E for construction purposes. The approval is provisional, subject to the review of the actual agreement by the Committee at Stand Up meeting prior to the September 2001 County Board meeting.

Ms. Johnson asked whether approval would be granted in the event that the actual agreement is not submitted to the County Board in September 2001. Chairman Bass responded that approval of the Committee at this time, is provisional, and final approval is contingent upon the Committee's review of the actual agreement.

Motion carried.

Mr. Mitchell introduced the resolution for sale of surplus equipment. The sealed bids, with right to raise, were reviewed on August 30, 2001. A 1994 Chevrolet pick up truck bid was \$3,300.00. A 1995 Ford pick up truck bid, showing some body damage, was

\$1,600.00. Another 1995 Ford pick up truck bid for \$3,200.00, was submitted. A 1991 International Tandem Dump Truck was bid upon by Yates Road District at \$12,000.00. The District was advised that the minimum bid for this item was \$13,000.00, and
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therefore, the bid was raised to the minimum. This unit also exhibited some body damage, which reduced its value. The last vehicle in the list was a 1990 International 4900 Single Axle Dump Truck that was bid at \$19,000.00.

Mr. Mitchell listed the remaining surplus items in the resolution, noting that the remaining items were computer equipment. Listed were: 2 Pentium Pro 200 CPUs for \$10.00 each, a Pentium II 233 MMX CPU for \$30.00 and a Pentium II 266 MMX CPU with Monitor for \$100.00. He noted that the Highway Department recommends the sale of all surplus equipment as per the resolution.

Motion by Selzer/Johnson to approve the Resolution for the sale of surplus equipment as submitted.

Chairman Bass asked whether there were any other bidders for the 1991 International 2574 Tandem Dump Truck #215, which sold for \$13,000.00. Mr. Mitchell responded that Yates Road District, at a bid of \$12,000.00, was the only bid submitted that was close in amount to the minimum bid of \$13,000.00. When advised that the minimum bid for this item was \$13,000.00, Yates Road District raised their bid to that minimum amount. Mr. Mitchell noted that there were a few other bids at a low amount of \$4,500.00, but those were not considered. He stated that the minimum bid on all of the other vehicles listed in the resolution was exceeded.

Mr. Owens asked how the minimum bid amount was established. Mr. Mitchell stated that there are wholesale amounts and Blue Book amounts that are available for reference. The dump truck amounts were based upon sale books. However, the price references for large trucks are not as readily available as they are for smaller vehicles.

Motion carried.

Chairman Bass introduced the proposed Agreement with Lewis, Yockey & Brown for various projects with regard to land surveying and platting services. Mr. Mitchell explained that the County Highway Department is charged with the responsibility for locating and restoring all section markers at corners where work is done. The company listed has been doing this type of work for the County for several years. He noted that the same type of agreement was approved last year during the month of June.

Motion by Selzer/Emmett to approve the agreement for various projects with regard to land surveying and platting services with Lewis, Yockey

& Brown, Inc.

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Ms. Johnson stated that the Committee has previously discussed the possibility of contracting with an entity to negotiate right-of-way. She noted that the project data portion of the Project Agreement delineates "right of way and easement acquisition." Ms. Johnson asked whether this agreement constituted the establishment of a contract for right-of-way acquisition, as previously discussed by the Committee. Mr. Mitchell responded that this is not the scope and focus of the agreement with Lewis, Yockey & Brown, Inc.

Mr. Selzer stated that the agreement delineates the right by the County to hire the firm for that purpose. However, such is not the scope of this particular agreement. Mr. Mitchell explained that the agreement being considered is for the surveying and platting work for the right-of-way acquisition, as opposed to the negotiations pertaining to right-of-way acquisition.

Mr. Owens asked what the term of this contract is. Mr. Mitchell responded that this contract expires on December 31, 2002. Mr. Owens then asked how long the firm has provided such services to the County. Mr. Mitchell responded that the firm has served the County for several years on a project by project basis.

Mr. Owens asked whether the County would entertain interest from competing firms once the present contract expires. Mr. Mitchell stated that Lewis, Yockey & Brown, Inc. has consistently provided the County with good service over a period of years. There are other surveyors in the area who could perform the same work, however, the County is satisfied with its present relationship with this firm.

Mr. Selzer noted that the agreement under consideration only sets rates. It doesn't bind the County to utilize this firm exclusively. Mr. Mitchell noted that it is unlikely that the County would hire Farnsworth and Wylie, Inc. to perform the same type of work that is outlined in the present agreement. However, they could be considered for other professional services.

Motion by Selzer/Emmett to approve the Agreement with Lewis, Yockey & Brown, Inc. for professional services on various projects regarding land surveying and platting services. Motion carried.

Chairman Bass presented the proposed agreement with Mr. William T. Anderson regarding negotiations for right-of-way acquisition. Mr. Mitchell stated that he had considered various individuals to perform right-of-way negotiations and discovered that

those who specialized in this type of work are frequently committed to other work. Attorney Robert Neiryck currently does condemnation work for the County, and therefore, may have a conflict of interest in doing right-of-way acquisitions, as well.

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Another candidate is presently committed to working for Corn Belt Energy Cooperative, which may also present potential conflicts of interest situations.

Mr. Mitchell stated that Mr. William T. ("Bill") Anderson, a former County Coroner and County Board member, would be a person who could work on a case by case basis without experiencing conflicts of interest. The term of the proposed agreement between Mr. Anderson and the County is through December 31, 2002.

Mr. Mitchell explained that there has been some difficulty locating a draft text of an agreement. However, there is now a draft agreement in the process of being prepared by Highway Department staff for review by the legal staff. The agreement indicates that the contract rate of \$35.00 per hour, plus mileage and expenses is available for this position.

Chairman Bass remarked that the issue of a County-employed right-of-way negotiator has been considered for some time. To date, Highway Department employees have functioned in this capacity. However, there is frequently inadequate time for Highway employees to expedite right-of-way matters. He explained that the employment of Mr. Anderson will be on an as-needed basis, rather than on a salaried basis.

Mr. Hoselton stated that he would like the opportunity to review the text of the agreement prior to the Stand Up meeting of the Committee on September 18th. He further stated that it may be appropriate for Mr. Anderson to address the Committee in person.

Mr. Owens asked whether the issue should be dealt with at a Stand Up session prior to the September 18th meeting of the County Board, or whether the issue should be held over for further discussion during October. Mr. Mitchell responded that he would like to have the agreement considered in September, due to the fact that negotiations for right-of-way acquisition along Randolph Road are imminently due to commence.

Mr. Owens asked whether \$35.00 per hour is the standard rate for such service. Mr. Mitchell explained that this is a somewhat lower rate than the market standard, due to the fact that Mr. Anderson will be acquiring experience. The candidate from Corn Belt Energy Corporation stated a fee \$50.00 per hour, and an attorney would probably request between \$75.00 and \$100.00 per hour for the same service.

Motion by Hoselton/Owens to approve Mr. William T. Anderson as the final candidate for land acquisition personnel. Final approval of the agreement between Mr. Anderson and the County for

representation in right-of-way negotiations is reserved pending examination of the text of the agreement at a Stand Up meeting prior to the County Board's September 18, 2001 meeting.
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Mr. Mitchell stated that as soon as the text of the agreement is in final form, it will be provided to the Committee members. He noted that since Mr. Anderson is currently drawing a pension distribution through the Illinois Municipal Retirement Fund ("IMRF"), he would need to keep his actual working hours under 600 hours per year.

Motion carried.

Mr. Mitchell presented a cost sheet with regard to expenditures and anticipated savings on the LeRoy – Lexington Road. The costs of the County performing dirt, culvert and base work, versus utilizing outside contractors was examined. He explained that fuel costs were not factored into the comparison because fuel is subject to wide variations in cost.

Mr. Mitchell stated that, based upon the findings of the costs comparison, he recommends the County perform dirt, culvert and base work. Even though the figures examined are subject to estimates and approximations, it is more cost efficient for the County to perform the work.

Mr. Hoselton stated that he is in favor of the County performing such work. However, he would like to see cost sheets maintained for the Highway Department's projects in order to track the progress and expenditures of each project. He explained that the County Highway Department performs well when performing bridge work and maintenance. However, construction jobs are beyond the scope of the Department.

Mr. Mitchell remarked that cost sheets could be implemented for the Highway Department's projects with little additional work.

Motion by Hoselton/Selzer to recommend that the County Highway Department perform dirt, culvert and base work.

Chairman Bass opined that the focus of the Highway Department is more than just roads and bridges. He stated that the focus should be County work generally.

Motion carried.

Mr. Mitchell reported on the Highway Department's meeting with Representative Dan Rutherford, regarding the I-55 Interchange and the Towanda-Barnes Road. He explained that members of the Transportation Committee were made aware that the meeting would

take place, but that Open Meetings Act violations were a concern. Therefore, Transportation Committee Chairman Bass and Vice Chairman Hoselton only were in attendance. Also attending were: Ms. Mary Westfall, representative from Representative Minutes of the Transportation Committee Meeting
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Dan Brady's Office; Illinois Department of Transportation ("IDOT") Legislative Liaison, IDOT District 3 representative; and Mr. Terry Lindberg, Assistant County Administrator.

Two main issues were addressed at the meeting. One issue was the funding for the Towanda-Barnes Road. The Highway Department's bids came in at \$1,350,000.00 in excess of what was programmed a year ago. He noted that the next section is expected to be at least one-half million dollars over estimate, as well. Mr. Mitchell explained that as a result of the overages, a total of \$1.9 million is being sought in order to meet the costs for the project.

Mr. Mitchell remarked that he had submitted a letter to Representatives Rutherford and Brady detailing how delays by IDOT had cost the County a period of 6 months in construction delays, which in turn resulted in the incurring of increased costs. As a result of this communication, the Legislative Liaison will contact Secretary Brown to determine whether there is any state funding available to apply toward the shortfall. If there is no state funding available, Representative Rutherford indicated that funds would be sought legislatively.

Mr. Mitchell noted that the three Interstate Highway interchanges in Shirley, Towanda and Lexington are still under contention with IDOT, as they have been since 1996. The source of contention is jurisdiction over the interchanges and how that is defined in agreements originally executed in 1974. IDOT has maintained the 3 interchanges for the past 25 years. Recently, IDOT issued a letter in April 2001 stating that jurisdiction for the interchanges belongs to McLean County.

Mr. Mitchell explained that Representative Rutherford maintained that the transfer of jurisdiction from the State to the County for the three interchanges was too abrupt. His feeling was that the State should have made the necessary improvements to the interchanges before transferring jurisdiction. The County's preference was for the State to retain full jurisdiction of the interchanges, or in the alternative, the State would accomplish the needed improvements before transferring jurisdiction to the County.

Chairman Bass noted that the meeting was productive and helpful in facilitating communication between the County and its representatives at the State level.

Mr. Hoselton noted that the Towanda-Barnes Road could be utilized as an access road for Interstate Highways 74 and 55. If this is the case, the road's jurisdiction would rest with

IDOT. He stated that he will meet with Representative Rutherford in Springfield in the near future to discuss matters further.

Mr. Owens remarked that it would be interesting to determine whether IDOT has suddenly shifted road and interchange jurisdiction to counties, without sufficient notice for counties to prepare to receive that jurisdiction. Mr. Mitchell commented that this

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issue was discussed at the recent meeting. He explained that in Grundy County, IDOT rebuilt an interchange, followed by the execution of an Intergovernmental Agreement wherein they ceded jurisdiction of the interchange to Grundy County. He stated that in Logan County, the County maintains interstate interchanges that are made of asphalt. Since McLean County's interchanges are constructed of concrete, which the County is not equipped to maintain, Logan County's example may not be appropriate as a model. Mr. Mitchell stated that in Iroquois County, IDOT rebuilt a ramp roadway, which the County maintains. On Interstate 74 at both Downs and Carlock, IDOT has rebuilt the interchanges and does maintain them, due to the fact that these areas were jurisdictional for the State prior to the utilization of the intergovernmental agreements.

Mr. Mitchell remarked that the Transportation Committee would require a Stand Up meeting prior to the September 2001 County Board meeting to consider the terms of the two agreements with MediaCom for use of County Highways and Mr. William T. Anderson for right-of-way negotiations. The results of a letting scheduled for September 13, 2001 will also be considered at that time.

Motion by Selzer/Emmett to adjourn the meeting. Motion carried.

There being nothing further to come before the Committee at this time, the meeting was adjourned at 8:40 a.m.

Respectfully submitted,

Martha B. Ross
Recording Secretary