

Minutes of the Transportation Committee

The Transportation Committee of the McLean County Board met Tuesday, August 7, 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

Members Absent: Member Johnson

Staff Members Present: Mr. Terry Lindberg, Assistant County Administrator; Mr. Brian Hug, Civil Assistant State's Attorney, State's Attorney's Office; 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

Chairman Bass called the meeting to order at 7:30 a.m. Chairman Bass presented the minutes of the July 3, 2001 meeting for approval.

Motion by Owens/Emmett to approve the minutes of the July 3, 2001 meeting of the Transportation Committee. Motion carried.

Chairman Bass presented the Township Motor Fuel Tax ("MFT") bills as submitted by the Highway Department. He noted that the remainder of the bills for the Committee's consideration would be provided by the Auditor's Office prior to the conclusion of the meeting.

Mr. Jack Mitchell, County Engineer, announced that there is a need for a Stand-Up meeting immediately prior to the County Board's August meeting, to consider the results of a letting which is scheduled for August 16, 2001.

Chairman Bass presented the McLean County Numerical Register for July 12, 2001 and July 26, 2001. This document lists the checks written, to whom they were written, and the amount of each check. On July 12, 2001, the total Road District MFT funds expended were \$413,935.89. On July 26, 2001, the total Road District MFT funds expended were \$275,091.23.

Mr. Mitchell explained that expenditures were somewhat higher in July, due to the fact that the Highway Department was in the midst of its summer oil and chip program for road maintenance. He stated that the Beniach Construction Company completed the majority of the oil and chip work this year and therefore, commensurately shows the

largest expenditures. Rowe Construction Company also completed several projects for the County, and thus also shows a fairly high expenditure.

Motion by Hoselton/Owens to approve the Township Motor Fuel Tax portion of the Highway Department's bills, as submitted by the County Engineer. Motion carried.

Mr. Mitchell presented the Bridge Petition for the West Road. He stated that the area in question is in West Township near Sabina, on 400 North at 3225 East. There is a culvert there, which is in poor condition. It is a small scale project, requiring only about \$2,000.00 of County funds. However, West is a township with a low assessed valuation, due to the fact that there is no town located in the township. Therefore, they qualify for matching funds from the County.

Motion by Owens/Emmett to approve the Bridge Petition for the West Road District.

Mr. Owens asked, in the interest of clarification, whether the County will pay \$2,000.00 of the total \$4,000.00 cost for the project. The remaining \$2,000.00 would be paid by the West Road District. Mr. Mitchell replied that this was correct. He explained that it is a joint culvert project, wherein a Township must already be levying the maximum in their road and bridge fund and the estimated cost of the project must be at least .02% of their assessed valuation in order to qualify for funding in this type of project.

Chairman Bass asked who would do the work for this project. Mr. Mitchell responded that most of the work would be done by County employees. This is a pipe culvert project that will require the old culvert to be removed before the new one can be installed. Rip wrap must also be installed around the ends of the culvert.

Motion carried.

Mr. Mitchell presented the Blue Mound Road Bridge Petition. He stated that the Blue Mound location is at 1500 North (one mile north of Route 9), and G.E. Road. It is the general site for three (3) separate projects. The first is located at 2414 East. The second is at 2776 East, and the third is at 2831 East. Two (2) of these projects are to extend box culverts that are currently in place, but are too narrow. The third project is to place a new drop box and extension on an existing culvert.

Mr. Mitchell explained that Blue Mound Road District intends to widen the road in question. Currently, the road measures 13 to 16 feet wide, and it is anticipated that the widening work will subsequently make the road 20 feet wide. Traffic has significantly

increased on this road and therefore, the widening is warranted. Since this is a culvert project, it qualifies for joint County and Township participation. Therefore, a total of \$36,000.00 in County funds are anticipated as the County's share of the project, with the total amount of the project estimated at \$72,000.00.

Mr. Hoselton asked whether the \$36,000.00 figure represented the total amount of the project. Mr. Mitchell responded that the \$36,000.00 was the County's half of the \$72,000.00 total amount.

Mr. Hoselton then asked how the total cost amount was determined. Mr. Mitchell explained that the Highway Department does an estimate of what the project will cost. The amount of concrete and rebar is calculated and an estimate is prepared based upon what recent bid prices have been. That amount is then rounded and presented to the Committee for its consideration.

Mr. Hoselton suggested that it would be prudent to run cost sheets on each job, so that if expenditures are over the estimate, they can be tracked and accounted for. He stated that this method would help contain cost overruns.

Chairman Bass asked what the procedure is in the event that costs are either over or under the estimates. Mr. Mitchell responded that all estimates are submitted just slightly higher than what is anticipated in order to account for unexpected costs. If unexpected costs are incurred, then a supplemental petition is brought back to the Transportation Committee in order to appropriate the increase in funds. He explained that this bridge petition merely serves to authorize the work. If the Committee does not approve the petition, then the proposed projects are cancelled from the upcoming lettings.

Mr. Hoselton stated that he is not concerned with the contractor's performance on the project. His concern is with County personnel working on the projects. Mr. Mitchell responded that the extensions and the drop box, which are the projects under consideration at this time, are all contracted work, as the County Highway Department does not routinely handle this work. Therefore, it is less efficient than outside contractors.

Mr. Hoselton reiterated his statement that it is prudent to keep a cost sheet on any work that the Highway Department is doing. Mr. Mitchell remarked that a cost sheet is maintained, as costs must often be split with townships. Both the townships and the County keep track of what is spent for each entity and it is then added and divided on a 50-50 basis. Mr. Hoselton remarked that he would like to drop by the Highway Department's office to examine how the cost sheets are constructed and maintained.

Motion by Hoselton/Emmett to approve the Blue Mound Road District's Bridge Petition. Motion carried.

Mr. Mitchell presented the Resolution for the Weston Road TARP Agreement for an 80,000 pound weight limit. It is a joint project with Livingston County, for which they are receiving Federal funding. McLean County is utilizing their own funds for their portion of the project. He stated that this agreement would cover County Highway 13 beginning at Route 24 and progressing to the Livingston County line. He explained that the Highway Department is currently involved in a joint project with the Illinois Department of Transportation ("IDOT") and with Livingston County to resurface the road, and obtain a new railroad crossing. The request before the Committee is to obtain the Truck Access Funds for this project. He noted that such funding was applied for last year and the application was rejected at that time. The application was resubmitted this year and was subsequently accepted.

Mr. Mitchell stated that the breakdown of the projected costs appears on Addendum #1 to the Agreement. McLean County is to receive \$15,000.00 for work performed on one intersection, and \$60,000.00 for two lane miles, at the rate of \$30,000.00 per lane mile. McLean County's total funding receipt for the project is expected to be \$75,000.00.

Livingston County, as the lead agency on the project, will cover six lane miles at the rate of \$30,000.00 per lane mile. The total funding received by Livingston County is expected to be \$180,000.00. The end product of the project will be an 80,000 pound route from Illinois Route 24 up to the Livingston Stone Quarry corner. At that point, the existing road is currently classed as an 80,000 pound road across to Old Route 66.

Chairman Bass asked what McLean County's involvement is with the project.

Mr. Mitchell responded that the County's involvement is for one mile, with the County receiving \$75,000.00 to help defray its costs. He explained that the Committee needs to consider the terms of the Agreement and approve it if it deems the Agreement to be appropriate. The route can then be designated as an 80,000 pound route.

Mr. Owens noted that Paragraph 4 of the Agreement delineates a Lead Agency ("LA") Engineer's estimate as \$1,614,486.65. He asked for a clarification of the costs assessed to McLean County. Mr. Mitchell explained that the total project is seven (7) miles, for which McLean County has responsibility for a one-mile portion only. Livingston County, in addition to upgrading three (3) miles to 80,000 pound road, is also resurfacing the remaining three miles to Pontiac. Mr. Mitchell stated that he did not have the complete breakdown of all of McLean County's costs in hand, but that he could provide that information as soon as possible.

Chairman Bass stated that McLean County was expected to receive \$75,000.00 toward the costs for the project. Mr. Mitchell concurred and noted that such funding is derived from a grant that was applied for jointly with Livingston County. He further noted that Representative Dan Rutherford also assisted in adding some State money to the project beyond the legislative add-on funds, in which McLean County's share is approximately one seventh. The County is making up the difference out of its own funds.

Mr. Mitchell explained that the contract has already been let and that it a Federal project. In Livingston County, the old hot mix road surface material was reclaimed and recycled in place. The railroad has worked on the crossing, and the area will soon be ready to surface with the hot mix material.

Mr. Owens asked whether the complete breakdown information would be available at the Stand-Up meeting prior to the August County Board meeting. Mr. Mitchell responded that the breakdown appears in the original resolution that was previously passed by the Committee.

Mr. Hoselton clarified that the portion of road that is affected by this Agreement is the portion of the road from the gravel pit to Illinois Route 24, which will be upgraded to an 80,000 pound road. The balance of the road running north will not meet the 80,000 pound criteria. Mr. Mitchell concurred by stating that Livingston County did not feel that the need was apparent to carry the 80,000 pound classification on to the north. The bulk of the truck traffic coming out of the quarry now goes either south or west.

Motion by Emmett/Owens to approve the Resolution for an 80,000 Pound TARP Agreement for the Weston Road. Motion carried.

Mr. Mitchell presented the Towanda-Barnes Road Press Release and stated that it was provided for the Committee's information only. He noted that the text of the Press Release differed slightly from that which was previously reported in the Pantagraph.

Work has begun on the project, with disking the sod and digging the exploratory trench to find the field tile. Rowe Construction expects to finish their portion of the project by the onset of the autumn season. That work includes soil excavation, lime application, culvert installation, and binder for all five (5) lanes of the road. Mr. Mitchell explained that the term "binder" refers to the coarse grade of hot mix aggregate, which is applied to the road bed before the finer, smoother topcoat is applied.

Mr. Mitchell remarked that Freesen, Inc. is working on the south portion of the road. They will build the box culvert in the area of the existing subdivisions, and it is anticipated to be in place by early September. A pre-cast box will be utilized in the

interest of speed for this portion of the project. The existing road in the area will also be closed temporarily while the work is being performed, to avoid traffic control and detours. However, due to the nature of Freesen's portion of the project, it is expected that the company will not be able to match the progress of Rowe Construction during the same length of work time.

Chairman Bass noted that the project is currently behind schedule, due to the fact that there was previously a stalemate with regard to the bid process. Mr. Mitchell confirmed that fact. He explained that during the first bid cycle, it was determined that both projects were approximately 20% over estimate. The estimate that was used at that time was originally determined during the previous year, and was not automatically updated by the State. The County then raised the estimate 6-7% for the second letting to account for inflation over a year's time and an under estimate for the first letting. The bids came in with one project showing a 5% overage and the other project showing a 6% overage. A compromise was eventually reached so that the project could proceed.

Mr. Selzer asked whether the road would remain open in the area of the culvert's installation during construction. Mr. Mitchell responded that the road would need to be closed when the railroad begins its work. In fact, the railroad will need to close the road on two different occasions. One closure will be to reconstruct the crossing and let it settle. The second closure will be to apply the concrete crossing and install crossing gates.

Mr. Selzer asked where the south to north traffic flow would be detoured. Mr. Mitchell explained that the official detour would cross Ireland Grove Road to Hamilton Road and on to U.S. Route 150. This route will allow traffic to be detoured away from Veteran's Parkway while it is under construction.

Mr. Mitchell stated that the Highway Department intends to issue another press release prior to any subsequent road closings to allow motorists to plan for an alternate route. Mr. Selzer asked whether signage or a message board would be posted prior to any road closures. Mr. Mitchell responded that there has been no provision for signage and it is not a part of the present contract. However, he stated that a sign could be made to notify motorists of an impending road closure, but the timing for posting the signage may be inexact. He noted that the local media does a good job of providing public notice regarding road closures.

Mr. Hoselton stated that there is a shortage of funding on the Towanda-Barnes project. Mr. Mitchell explained that he had previously sent letters to Representatives Brady and Rutherford and Senator Maitland requesting additional funding. He further explained that the shortage on the first two projects was approximately \$1.3 million. When Section

113 (the north piece) is added, the shortage may become as much as \$1.9 million over what was projected one year ago. However, it has not been determined how much assistance the legislators can or will be able to provide.

Mr. Hoselton remarked that the \$1.9 million amount seems inadequate. He stated that it is only the Shirley/Towanda/Lexington overpass. Mr. Mitchell concurred with Mr. Hoselton's assessment. Chairman Bass suggested that the shortfall now is estimated at nearly \$2 million, but that the end result may actually be closer to \$3 million. Mr. Mitchell remarked that this amount has not yet been programmed.

Mr. Hoselton stated that he participated in a meeting with Representative Rutherford last week and it was determined that a meeting would be scheduled with Reps. Rutherford and Brady, representatives from the Illinois Department of Transportation ("IDOT"), and the Transportation Committee. The topics discussed will include the three highway overpasses that require repair within the County and the Towanda-Barnes Road project. Potential Illinois First monies for McLean County projects may be the subject of some discussion as well.

Chairman Bass asked who initiated the meeting proposal. Mr. Hoselton responded that Rep. Rutherford would arrange the meeting place and time and provide notice to all parties. The meeting is an outgrowth of letters submitted by the County Engineer and visits by McLean County Transportation Committee Vice Chairman Hoselton.

Mr. Owens stated that some of his constituents had asked him why the Towanda-Barnes roadwork is underway at this time. Many have mentioned that the planning for the project was insufficient. Mr. Selzer noted that any roadwork is a potential inconvenience. Additionally, he noted, roadwork being done by the City of Bloomington and the State of Illinois is running concurrently with the County's project, even though the other entities were apprised of the County's plans and timetable.

Mr. Emmett stated that if the County postponed the work for any further length of time than it has already been postponed, costs would most assuredly be much higher. Chairman Bass remarked that there will many road projects running concurrently for some time. Some amount of inconvenience is to be expected in exchange for the ultimate benefit.

Mr. Mitchell noted that, over time, there have been numerous delays with the Towanda-Barnes project. He concurred with Mr. Emmett regarding to mounting costs the longer the project is delayed. He stated that most of the time, Towanda-Barnes Road will be open to two-lane traffic. Since the temporary road closure is known and planned for, the

necessary detour can be sufficiently planned in advance, for optimum efficiency. He stated that progress most often causes inconvenience, but it will be temporary.

Mr. Mitchell explained that an old, nonoperating gravel pit is located north of Sabina and south of Arrowsmith at approximately 750 North at 3175 East. It has not been used since

the late 1970s, but has been in existence for some time prior to that. The Highway Department has been dumping broken concrete into the pit, but the owner, Mr. Riddle now wishes to reopen the pit for gravel operations.

The McLean County Building and Zoning Office maintains that Mr. Riddle will need to obtain a special use permit. However, Mr. Riddle's attorney objects to the stance that the Building and Zoning Office has taken. The County Highway Department has been approached by Mr. Riddle to obtain a permit to move in heavy equipment and he has been advised that he will either need to observe the present road weight limits or help pay for road improvements to accommodate heavier loads. At this time, there has been no response from Mr. Riddle.

Chairman Bass asked whether the gravel pit was officially closed or whether Mr. Riddle merely ceased operations. Mr. Mitchell responded that the pit ceased operations. He noted that during past operations, there were no zoning regulations that had to be observed. Therefore, Mr. Riddle may be unfamiliar with current regulations.

Chairman Bass asked whether observing current regulations with regard to the pit operations and road weight limits would be potentially prohibitive for Mr. Riddle. Mr. Mitchell responded that conforming to present regulations might prove to be expensive for the Riddle operation.

Chairman Bass asked whether Mr. Riddle would need to absorb the entire expense of any necessary road upgrades himself. Mr. Mitchell responded that such a requirement would depend upon whatever agreement was forged between Mr. Riddle, the Highway Department and the County Board. He stated that some of the agreements that have been executed lately have required the business owner to pay for the costs of road upgrades, in whole or at least in part. He cited agreements with Freesen, Inc. and Rowe Construction Company. He also cited the continuing issue between the County and the proposed Kasbergen Dairy.

Mr. Selzer asked whether the portion of Raab Road that runs from Airport Road to Fort Jesse Road is under McLean County jurisdiction. Mr. Mitchell remarked that this road was, until recently, under the Township's jurisdiction. However, as the City of

Bloomington has annexed portions of land in the area, the annexed portions of the road have fallen under the City's jurisdiction. He explained that whenever a city or village

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annexes property and the annexed property is located adjacent to a road, the annexing body must also accept jurisdiction of that road.

Mr. Owens asked whether all of the issues surrounding the proposed need for a special use permit and possible road upgrades would need to be decided prior to the reopening of the gravel pit. Mr. Mitchell responded that the County would likely wish to see agreement on the special use permit issue before the road upgrade issue was considered.

Mr. Brian Hug, Civil Assistant State's Attorney, presented the results of his inquiry into the status of the merger between Freesen, Inc., Rowe Construction Co., and Illinois Valley Paving. He explained that he had spoken both with the attorney for the construction company and with the Assistant General Council for the Illinois Department of Transportation ("IDOT"). The merger was completed in March 2001. The three entities are now merged into one holding company, which operates the three asphalt companies separately.

Mr. Hug reported that, under IDOT rules, the three separate entities do not bid on the same projects. For example, if Rowe Construction Co. were to take out a bid packet for a particular job, the other two entities would refrain from doing so for that particular job.

Chairman Bass asked what is the status of Cullinan Construction Co. Mr. Hug explained that Cullinan owns the Rowe Construction Co. and it was, more precisely, Cullinan that was the subject of the merger with Freesen and Illinois Valley Paving.

Mr. Hug explained that the project under scrutiny was let in separate sections. Freesen bid one section, and Rowe bid an unrelated section. At this time, IDOT has chosen not to take action against any of the companies involved in the merger, but there are provisions under Federal law whereby noncompetitive business situations can be remedied.

Chairman Bass asked whether IDOT made the determination that the business situation was not competitive. Mr. Hug stated that IDOT did not make that determination, but if there was concern expressed from another agency, the Illinois Attorney General or the U.S. Attorney's Office would be asked to investigate the merger to determine whether or not it was anti-competitive. Mr. Hug remarked that the County Board could become involved by asking either the Attorney General or the U.S. Attorney to investigate. However, such an investigation process may be lengthy and complicated.

Mr. Selzer asked who is bidding on local projects besides the three cited companies.

Mr. Hug stated that no other companies are currently participating in the bidding process.

Mr. Hoselton stated that the element of competition in the marketplace, and the subsequent cost benefit to the local taxpayers, is suffering under this arrangement.

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Mr. Selzer suggested that this topic should become the subject of ongoing scrutiny and discussion by the Committee. If the Board decides in the future to become involved, it must be as a result of a well-researched position.

Mr. Mitchell explained that IDOT has kept the prequalification process for the companies in place. Therefore, IDOT considers them legal bidders and the County, at this point, has no recourse in response to the merger and the business climate that it has created.

Mr. Hoselton suggested that the Committee monitor the range between stated estimates and actual costs for future projects. If actual costs begin to center around 6-8% above the estimates given, at that point the County should become more aggressive in scrutinizing the activities of the merged companies.

Chairman Bass commented that, at this time, it might not be in the County's best interest to cast negative attention toward the merger. Rather, the County could consider merely calling attention to the fact that it recognizes the merger has taken place.

Mr. Hoselton suggested that the Committee research past projects to determine how closely the companies conformed their actual costs to their stated estimates, and compare those patterns with new patterns which will emerge in jobs following the merger. Only then, if abuses are detected, should further action be taken.

Mr. Mitchell reminded the Committee that many projects have historically had only one bidder. He cited bridge projects, seal coat work, and asphalt work that have all been subject to single bidders. He explained that the marketplace often equalizes itself when it becomes readily apparent that a certain area of work repeatedly only has a single bidder. He noted that the County is not really in a position to force companies to become more competitive.

The price increase that has become apparent lately is not due to the merger. Rather, the State, through its Illinois First Program, has created numerous construction opportunities. Material suppliers, in turn, have raised their prices in response to market demand for necessary materials. As a result of the high demand for materials, there is less competition and prices are less competitive.

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

Mr. Hoselton commented that the expenditure sheet indicates there is an overtime charge in the amount of \$22,638.23. He noted that County employees are paid for 2,080 hours of work as a matter of routine, and he questioned whether that amount of overtime is needed, especially in the summer months. Mr. Mitchell explained that various construction contractors work as many as 12-14 hour days during the summer months.

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Since the Highway Department has employees currently assigned to various construction projects, they work the same hours as the construction crews, even though it means excess hours over and above their normal rate. He explained that overtime costs are frequently recouped when the Highway Department bills the townships for engineering costs.

Mr. Mitchell remarked that in researching overtime figures, to address previous objections to overtime amounts, he determined that the current year's overtime amounts are the lowest in several years.

Mr. Hoselton noted that he questioned some of the reasoning behind the incurring of overtime costs. He explained that, since Highway Department employees are salaried employees, they should not incur overtime costs for moving equipment or preparations for the following day's work.

Chairman Bass noted that the overtime issue and the Committee's stance regarding that overtime has been duly presented to Mr. Mitchell.

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

Mr. Mitchell stated that there is a need for a Stand-up meeting prior to the August County Board meeting to consider the results of a letting that will take place on August 16, 2001.

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Chairman Bass announced that three Committee members would not be able to attend the scheduled field trip, which is to follow the Transportation Committee's regular meeting. Therefore, the trip will be postponed until the majority of Committee members can attend.

Mr. Owens stated that he is interested in viewing the site of the proposed Kasbergen Dairy before the Illinois Department of Agriculture rules on its licensing application.

There being nothing further to come before the Committee at this time, the meeting was adjourned at 8:41 a.m.

Respectfully submitted,

Martha B. Ross
Recording Secretary