

Minutes of the Transportation Committee

The Transportation Committee of the McLean County Board met on Tuesday, June 3, 2014 at 8:00 a.m. in Room 400, Government Center, 115 East Washington Street, Bloomington, Illinois.

Members Present: Chairman Soeldner, Cavallini Members Buchanan, Harris, Metsker and Pyne

Members Absent: Member Robustelli

Other Members Present: County Board Chairman Sorensen,

Staff Members Present: Mr. Bill Wasson, County Administrator, Ms. Hannah Eisner, Assistant County Administrator

Department Heads Present: Mr. Eric Schmitt, County Engineer

Others Present: Mr. Jerry Stokes, Assistant County Engineer

Chairman Soeldner called the meeting to order at 8:02 a.m. He found a quorum present.

Chairman Soeldner presented the first item for action, namely approval of the minutes from the April 1, 2014 Transportation Committee Meeting. He asked that the minutes be corrected to reflect that he voted "yes" on the Enbridge Pipeline Road Use Agreement. The minutes reflect he voted "no".

Ms. Harris expressed her concern with the wording of the minutes in reference to the Committee not passing the Enbridge Pipeline Road Use Agreement. She noted that had the Committee been told what authority they had, it would have expedited the procedure. She does not remember Mr. Sorensen saying he was dismayed that the Committee had abdicated its responsibility for the County Roads by not approving the agreement. The amendments made did improve the contract. Ms. Harris advised she was acting on behalf of her constituents. She asked to be heard on the issue of the Agreement. Chairman Soeldner requested that the Committee follow the Agenda and discuss the Enbridge Pipeline Road Use Agreement when that item comes up for consideration.

Motion by Harris/Soeldner to recommend approval of the minutes from the May 6, 2014 meeting of the Transportation Committee as amended.
Motion carried.

Chairman Soeldner asked the Committee to review the bills and transfers for March 31, 2014. The prepaid total was \$751,909.69.

Motion by Pyne/Buchanan to recommend payment of the May 31, 2014 bills and transfers as submitted by the County Auditor.
Motion carried

Chairman Soeldner presented the first Item for Action, the Resolution and Bid Tab for the May 31, 2014 Letting for one (1) County 2014 Non-Motor Fuel Tax (MFT) Material proposal.

Mr. Schmitt reported that this bid is for 24 inch PVC Pipe for storm sewer work on CH 12 to alleviate the standing water problem. The bid is 0.56%% over the estimate.

Chairman Soeldner asked if it is common to only receive one bid. Mr. Schmitt responded that contact was made with other vendors, however no other bids were received. He recommended approval of the following:

2014 Non-MFT Materials Section:

McLean County Sec 05-00135-08-WR (PVC Pipe) Hudson Stuckey Rd – CH 12

The successful bidder on the above section was:

| | |
|---|-------------|
| Contech Engineering | |
| 1509 W Mt Vernon – PO Box 203, Metamora, IL 61548 | \$25,687.00 |

Motion by Cavallini/Pyne to recommend approval of the Resolution and Bid Tab for the May 31, 2014 Letting 2014 Letting for one (1) County 2014 Non-Motor Fuel Tax (MFT) Material proposal.
Motion carried.

Chairman Soeldner presented the Enbridge Pipeline Road Use Agreement.

Mr. Schmitt noted that the following revisions were made to the Agreement due to the comments received at the May Transportation Committee Meeting:

- Added language clarifying that the agreement is only for the construction phase of the pipeline.
- Added language stating that the approval of this agreement is not an endorsement of the pipeline project by McLean County.
- Increased fees from \$25,000 to \$41,250, reflecting addition of the permit fees associated with the over length permits.
- Added language requiring notification of the McLean County Highway Department of any damage caused to the County Highways within one hour of acquiring knowledge of such damage.

Mr. Schmitt stated that this Road Use Agreement will help to protect the County's Roads by defining weight limitations, timeframe limitations and routes to be used during the project. The agreement gives the County more protection if roads are damaged between the pre-construction inspection and the post-construction inspection than would be the case with permits issued on a case by case basis, which would require the County to prove Enbridge caused the damage.

Mr. Schmitt reported that staff will be checking for road damage daily and assuring that correct routes are used.

Chairman Soeldner asked if the surety bond would be used to cover the costs if damage was done to the roads. Mr. Schmitt responded that the process is to bill Enbridge for the repair work of any damage found on County Roads. If the bill is not paid within 60 days of the bill, the County can draw against the surety bond. The Department does the repair work to assure the work is properly done to the County standards. This agreement stays in effect for two years after the project is in operation.

Ms. Harris stated that she appreciated the strength of the contract and the response to the amendments made. She has questions concerning the County releasing and agreeing to indemnify and hold harmless Enbridge when the Illinois Compiled Statutes say with respect to contracts or agreements, either public or private, for the construction, alteration, repair or maintenance of a building, structure, highway, bridge, or other works dealing with construction or for any moving, demolition, or excavation connected therewith, every covenant, promise, or agreement to indemnify, or hold harmless another person from that person's own negligence is void as against public policy and unenforceable. She advised that holding Enbridge harmless to any accident that might happen is a very lenient indemnification. She noted that it is in the best interest to protect our citizens. She asked to amend this if pertinent.

Mr. Bill Wasson responded that legal staff has looked into the indemnification by the County provision. He noted that the provision states that the County agrees to

indemnify and hold harmless Enbridge from any and all actions arising out of or relating to the performance by "the County" of this obligation under the agreement. He added that we are only indemnifying them from actions that the County takes not actions that they take. Enbridge is doing the same to the County.

Mr. Sorensen clarified that during construction if damage is done to a McLean County Road and the County does the repairs; Enbridge pays for the repairs but is indemnified from any liability risks because the work was not properly done. Mr. Wasson agreed.

Ms. Hannah Eisner added that this deals with negligent acts; so the County's contractual agreements are not affected by this Statute. Enbridge remains obligated to pay for any costs to repair the roads for damage caused by their work. It is simply related to Enbridge's negligence. The only circumstance under which Enbridge is held harmless is if it is the fault of the County.

Mr. Cavallini asked what is the official permitted length, how are the fees calculated and if additional over-length fees were added to the wind farm project. Mr. Schmitt responded that the over-length fee is based on being over the permitted length. It does not matter if it is by five feet or 100 feet. The permitted length is 65 feet. The County received \$50,000 a year from the Wind Farm project, an administrative fee for 5 years, which covered the costs of the permits. After this, the annual fee became the costs of the permits for the previous year.

Mr. Buchanan referred to the Incidental/Accidental Use under the surety bond. He asked if permission is granted to use any road not part of the original agreement, Enbridge will be responsible for any damage done to these roads as well. Mr. Schmitt responded that Enbridge would be responsible. He added that in an emergency, when repair is needed, the damage is documented and the repair work is done immediately. How the costs for the repairs are determined is included in the Agreement.

Ms. Pyne asked if accidental use of roads happens often. Mr. Schmitt stated that it sometimes does happen. Enbridge has addressed this issue with their contractors.

Mr. Sorensen voiced his appreciation to the Committee. Over the last month a lot of work has gone into this agreement. The good questions and aggressive pursuit of some of the topics has made this a better agreement. He fully supports passing the agreement.

Ms. Pyne thanked the Chairman for allowing the edit to the agreement and Staff for incorporating the changes into the new agreement.

Ms. Pyne informed the Committee that there will be an Enbridge Preconstruction Open House on Thursday, June 5, 2014 anytime between 5:00 p.m. – 7:30 p.m. at the Chateau Hotel and Conference Center, 1601 Jumer Drive, Bloomington, IL in The Bonaparte II Room. Enbridge Pipeline construction is scheduled to begin July 14, 2014.

Displays and maps will available and project personnel will be there for comments and questions.

Ms. Harris stated that she appreciated the Committee's work and the attention paid to the Committee's work by Chairman Sorensen.

Motion by Cavallini/Pyne to recommend approval of the Enbridge Pipeline Road Use Agreement.
Motion carried.

Chairman Soeldner continued with the Engineering Services Agreements – Hampton, Lenzini, & Renwick Inc. (HLR):

1. County Highway 40 – Arteman Bridge – Sec 13-00029-03-BR
2. County Highway 29 – Fifer Bridge – Sec 14-00161-03-BR

Mr. Schmitt pointed out the location of the Arteman Bridge on Rock Road ¼ mile west of 3600 East Road on CH 40 in West Township. STP- Federal Bridge Funds will be used and the project will be on the June 2015 IDOT State Letting.

He reported that the Fifer Bridge is located on the Gridley Road, ½ mile north of CH 8. The project will be done in 2015 using county bridge funds. The repair work will extend the life of the existing structure and protect the structural steel for use when the deck is replaced in the future. The bridge, built in the 1930's, is the longest bridge in McLean County.

Motion by Harris/Cavallini to recommend Approval of the Engineering Services Agreements – Hampton, Lenzini, & Renwick Inc. (HLR):
1. County Highway 40 – Arteman Bridge – Sec 13-00029-03-BR
2. County Highway 29 – Fifer Bridge – Sec 14-00161-03-BR
Motion carried.

Chairman Soeldner presented the Resolution for the Anticipation of Township Bridge Funds – Martin Road District – Williams Bridge – Sec – 14-221-139-00-BR.

Mr. Schmitt stated that the Department anticipates future Township Bridge Program (TBP) funding for this project and will pay the expense in one calendar year. The Township Bridge Program Funds are guaranteed by Illinois state statute. The County receives \$320,000 a year for township bridges. This funding can be used to pay 80% of the costs of construction engineering, construction and the preliminary engineering. The County will front the funds to pay for the project in the fall of 2014 and will be reimbursed by the TBP Fund in July/August 2015. He added that the Department has used this process for several years. Mr. Schmitt pointed out that this timber pile bridge

is on a six month inspection cycle and if the bridge is not replaced by the end of 2014, IDOT will require a Weight Limit Posting of 12 tons. It is currently unposted. He advised that the project will be bid in July and done in September/October of this year.

Motion by Harris/Buchanan to recommend approval of the Resolution for the Anticipation of Township Bridge Funds – Martin Road District – Williams Bridge – Sec – 14-221-139-00-BR.
Motion carried.

Chairman Soeldner presented the Bridge Construction Petition – Martin RD – Williams Bridge – Sec 14-22139-00-BR.

Mr. Schmitt stated that this petition appropriates the county funds for the project. He noted that the usual split of the local 20% share, 10% County and 10% Township does not apply in this case. This was a former County Highway that was transferred to Martin Township by agreement. The agreement was made with Martin Road District for the Count to assume a higher percentage of the local share when the bridge was replaced in the future. It is not unusual for the County to make similar agreements for jurisdictional transfers.

Mr. Schmitt reported that the timber pile bridge located on 1700 N 50' west of 3050 E Road will require an IDOT required weight limit posting if the bridge is not replaced during 2014. This single span bridge will be replaced by a triple barrel box culvert. The total cost of the project is estimated to be \$364,500. The cost includes \$320,000 for construction, \$37,000 for preliminary engineering and \$7,350 for construction engineering. The project funding is:

- 80% - Township Bridge Program
- 15% - McLean County
- 05% - Martin Road District

Mr. Cavallini stated that since all dirt roads in McLean County are Township Roads, are any upgrades to these roads the responsibility of the Townships. Mr. Schmitt responded that the County is not responsible for any of the costs for Township road improvements.

Chairman Soeldner noted that some of the Township dirt roads have been abandoned. Mr. Cavallini asked if the road is abandoned what happens to the right-of-way? Mr. Schmitt advised that the right-of-way of an officially abandoned road goes back to the adjacent land owner.

Mr. Buchanan asked if any of the dirt roads are common law right-of-way rather than dedicated right-of-way. If the road is held by dedicated the right-of-way the County or Township would still own the right-of-way, if common law right-of-way, it would go back to the adjacent land owner. Mr. Wasson added that the majority of the Township roads are constructed with easement agreements rather than on right-of-way.

Motion by Cavallini/Harris to
recommend approval of the Bridge
Construction Petition – Martin RD –
Williams Bridge – Sec 14-22139-00-BR.
Motion carried

Chairman Soeldner continued with the Quit Claim Deed to Union Pacific Railroad Company – Parcel Number T4_424_1.a.

Mr. Schmitt stated that the Highway Department has been contacted by the Union Pacific Railroad Company to Quit Claim Deed 0.041 acres of Quinn Street right-of-way in the Village of Shirley. The property is needed to perform grading and drainage work near where CH 34 goes over the Union Pacific Railroad. The work is in connection with the High Speed Rail project.

Mr. Buchanan asked if we are giving the right-of-way to Union Pacific. Mr. Schmitt reported that Union Pacific did an appraisal and placed a value of \$900 on this piece of property.

Motion by Buchanan/Pyne to recommend
approval of the Quit Claim Deed to
Union Pacific Railroad Company –
Parcel Number T4_424_1.a.
Motion carried.

Chairman Soeldner presented the Hudson Lion's Club New Event – Bicycle Ride/Run/Walk Permit.

Mr. Schmitt explained that there are two types of permits issued for events; one requires road closure and the other only requires direction of traffic as runners cross the road. Because this is a new event, it comes before the Transportation Committee for approval. Permits are issued administratively through the Department for future events. The event does not require any road closure. Law enforcement officers will block traffic temporarily as participants cross the roadways.

Mr. Buchanan asked if the County was liable for any injury that occurred during the event. Ms. Eisner stated that participants sign a release and the permit also requires them to name the County as an additional insured on any insurance policy.

Motion by Pyne/Harris to recommend
approval of the Hudson Lion's Club
New Event – Bicycle Ride/Run/Walk Permit.
Motion carried

Chairman Soeldner continued with the Items of Information – Project Summaries.

Mr. Schmitt reported that the hot mix asphalt surface removal on Towanda Barnes Road is complete along with the level binder. The surface work is scheduled for June 7th and June 14th. Towanda Barnes will be closed from Ireland Grove Road to Route 150 on these dates. Signs will be posted on Wednesday to make the public aware of the road closure.

Mr. Schmitt continued with the Whitwood Bridge Box Culvert Extension on CH 12. He advised that the floors, walls and top have been poured. The guardrail is being installed today.

Mr. Schmitt updated the Committee on new construction projects:

- The Hall Bridge repair will begin June 9th. The road will be closed for 3 weeks and notification has been made.
- The Holder Bridge on CH 36 will begin June 23. There will be limited road closure.
- The Williams Bridge north of Dawson Lake will begin June 23.

Mr. Schmitt presented the Stormwater Education Program 2014 1st Quarter Report pointing out that the Ecology Action Center has completed the following tasks as part of the Stormwater Education and Public Participation program:

- Education Programs on Clean Water at various schools;
- Yard Smart Program at Master Gardener's Home Lawn and Garden Day with information on rain barrels and stormwater runoff;
- Facilitation of McLean County Greenways Committee, participant in Watershed Plan Implementation Committee and promotion of Stormwater information.

Mr. Schmitt informed the Committee that the summer field trip will be August 5th. Several projects will be in progress at the time.

Mr. Cavallini volunteered to host the luncheon.

Chairman Soeldner stated that the Legislature has approved a billion dollar capital bill. He asked if the County had any projects that are eligible for these funds. Mr. Schmitt responded that he has researched this capital bill and at this point there is not much information available. Mr. Schmitt indicated that it is his understanding that there will be one additional allotment similar to the Illinois Jobs Now Capital Bill.

Mr. Schmitt updated the Committee on the progress of the building repair caused by the fire. Mr. Wasson noted that two competitive quotes have been received and we are working with our insurer. It is the intention of the County to restore the facility before the winter months.

Ms. Pyne asked if there was an opportunity for any improvements. Mr. Wasson responded that any betterment would be at the cost of the County. Mr. Schmitt added

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that it is the plan to include a concrete block wall instead of wood. All insulation and lighting will be brought up to current standards.

Chairman Soeldner stated that the next Transportation Committee meeting will be July 1, 2014.

Chairman Soeldner asked if there was any further information to come before the Committee.

Motion by Cavallini/Pyne to adjourn
The Transportation Committee Meeting.
Motion carried.

Meeting adjourned at 9:07

Respectfully submitted,

Diana Hospelhorn
Recording Secretary