



# MACON COUNTY HIGHWAY DEPARTMENT

2405 N. Woodford St. Decatur, IL 62526

217-424-1404 FAX 217-424-2516

## MINUTES

February 27, 2013

The Macon County Transportation Committee meeting was held on Wednesday, February 27, 2013 at 5:30 p.m. located at the Macon County Office Building, 141 S. Main St., Decatur, IL.

### Transportation Committee Members Present:

David Williams

Kevin Meachum

Gary Minich

Keith Ashby

Kevin Bird

Jerry Potts

### Highway Department Support Staff Present:

Mark Funk, Road Supervisor

Amanda Askew, Office Assistant

### Others Present:

Mike Baggett, Asst. States Attorney

Jay Dunn, County Board Chairman

### Call to Order:

The meeting was called to order by Chair David Williams at 5:30 p.m.

### Roll Call:

David Williams

Kevin Meachum

Gary Minich

Keith Ashby

Kevin Bird

Jerry Potts

### Approval of the Minutes:

Gary Minich made a motion to approve the minutes from January 23, 2013, seconded by Keith Ashby. Motion Carried 6-0

### Approval of the Bills:

Kevin Meachum made a motion to accept the bills as presented, seconded by Jerry Potts. Motion Carried 6-0

### No Public Comments

### No Old Business

### New Business:

*Resolution appropriating funds for engineering expenses on a Bridge Condition Study for 2 bridges on CH 18 (School Road) and CH 38 (Washington Street) in Friends Creek Township.* Motion made by Jerry Potts, seconded by Gary Minich. Motion carried 6-0.

*Resolution appropriating funds for engineering expenses on the Kenny Road (CH 21) bridge replacement project over South Fork Creek.* Motion made by Jerry Potts, seconded by Kevin Meachum. Motion carried 6-0.

***Resolution approving an Intergovernmental Agreement with Richland Community College and Brush College LLC for a patching project in Progress City.*** Motion made by Jerry Potts, seconded by Kevin Meachum. Motion carried 5-0. Keith Ashby voted present on this resolution.

**County Engineer's Report:** Bruce stated from time to time between the Illinois Association of County Engineer's and IDOT they put together training program for County personnel. It is a management training program. They have a new program starting up over the next year and a half and I would like to sign my assistant Joe Moretti up to go. It is a series of 8 classes they go to. Most of them are around the Springfield area, so the travel expenses will be minimal. There may be a couple where he would have to stay out but too much. The cost of the class is only \$2,400 right now which is really reasonable. One of the big things that they spend the most time on is how to deal and interact with the media, which is a very big thing to give a positive impression to the media and to deal properly with the media. I wanted to give everyone a heads up as to where some of the training money is going to go for the next year and half. I have been through the program and it is very beneficial and I think Joe as my assistant would benefit from that as well. Kevin Meachum stated that a lot of these classes are so valuable to show the assists of our employees and it helps them out to better represent this County. I think that training is very important for all aspects of the County for all classes of jobs, from the top to the bottom. We need to keep doing this, a lot of agencies have cut back on their training due to the fact they don't want to have that expenditure. Sometimes these things are valuable. Keith Ashby asked Bruce if he has this in his budget. Bruce replied yes I have a line item for travel and training. The payments will come out in four equal installments so if you see a payment to Illinois Association of County Engineers that is what it is for.

Our guys have been busy over the last week and a half. We have not plowed snow all winter long and for the last week and a half that is for the most part the only thing that they have done. When the guys have not been plowing they are catching up on our honey do list like trimming trees, crack sealing, and patching here and there. We are keeping ourselves busy.

We have also been having our offices repainted by the Public Building Commission. They have been doing a great job and as most of us have found out it is a great opportunity for go through and throw out a lot of stuff that we don't need.

Bridge inspections are ongoing.

It looks like the Country Club Road project will start back up within the next two or three weeks. The next segment for construction is a segment that doesn't impact the Zoo or Children's Museum or any residences so they will be out there working in an area on their own.

We have two upcoming projects scheduled and set up on the State lettings with right-of-way already acquired. The bridge on County Highway 29 on Boody Road and the one on the north end of County Highway 21 on the Kenney Blacktop. One is on the April letting the other is on the June letting.

We need one more parcel of ground for the Wyckles white topping project in the north section that we have to put in first. When we get that fourth parcel in we should be good to go on that. Kevin Meachum asked if that would be going this year. Bruce replied that section will.

Keith Ashby asked if Bruce could explain the relationship with Sikich. Bruce replied yes, they provide all the maintenance and oversight work on our computer networking we have.

**Miscellaneous Business:** David Williams stated that I think most of you got an email from Bryan Smith about a constituents concern. It was over a loss of a partial tree on the Country Club Road project. Jay Dunn sent a letter out to the contractor and the contractor provided a reply. Bruce stated to give you a summation, the contractor, on the public road right-of-way was putting in a new storm sewer back in June. They determined that they needed some tree branches trimmed because they could not get

their extra-large excavator to fit underneath the branches that were hanging over the right-of-way. So they had the tree removal service on site, Romer Brothers, take a look at it. Romer Brothers trimmed it according to arbor standards which are basically going back to the trunk. That involved them getting on the guys property to cut the limbs off back at the tree. The guy was not home and they just cut them anyway. They guy comes home and he was surprised and upset to find 1/3 of his tree missing. Standard procedure that we have with contract documents and with Michael here he may be able to chime in. The contractor took it upon their own volition to go over there and do that work. We did not direct them to do that. It is clear in the contract documents that if they make the choice and go over there it is their responsibility to restore the private property into like or better condition. The land owner is not asking for the moon. He got some bids and he thinks it can be cut down a replaced for \$800. So that is what he is asking for. He has called me, the contractor's office in town, the owner Terry Baum up in Morton, IL several times, and he is not getting any action whatsoever out of the contractor. I think the contractor is hoping that he goes away. That is what precipitated the letter from Jay saying that we have withholding on the project and we are going to hang on to the withholding until you make Mr. Sarver whole and that was the just of the letter. The letter that came back from the contractor was that none of this was their fault and they were forced to do it because of the way the project was set up and however they have all intentions of making Mr. Sarver whole they also would like for us to share the cost of that. I think that is where we are at right now. Kevin Meachum stated I know we fill out evaluation forms at the end of the job. Is this an MFT job? Bruce replied no it is an all local fund project with the DCEO grant monies. Kevin Meachum asked if we still have state oversight on this. Bruce replied no it is 100% ours. Kevin Meachum replied so no contractor's evaluation will be filled out at the end of this job. Bruce replied not for the State, no. Kevin Meachum stated if you have ever dealt with the State of Illinois and if you are using their money there is a contractor's evaluation form and if you give them a black eye it affects their bonding rate and it makes them more accountable and that does not apply. David Williams stated we have a potential game plan in place for future contracts with this contractor, but at this point we are already in a relationship with them.

Mike Baggett stated I did have an opportunity to review the documents that Bruce sent me regarding the State regulations which are not necessarily regulations of the State in this case because it is not a State project but they are referenced in our contract as a County with the subcontractor. We have adopted the State regulations as the County it controls and State regulations are very clear on this point that if the contractor is at fault and in this case it is not a question as to whether or not the contractor is at fault. They are the one that ordered the partial destruction of the tree. Then they have the responsibility for making the property owner whole. It is not the Counties responsibility it is explicitly the contractor's responsibility under the contract. They accepted that responsibility when they agreed to do this work. I have not seen the letter that was sent to the contractor signed by Jay. I have not also seen the response that the contractor sent back in reference to that. I will say that based on what I have heard we are taking attack of we are going to withhold 10% of future invoices. That is one way that it can be done. I will point out that underneath the contract the regulations that we have adopted, in a situation when the contractor is being reticent to make a property owner whole the County Engineer would give him basically 48 hours written notice. If after 48 hours they have not made the property owner whole one way or another then we would simply hold back the entire amount due necessary for us to make him whole. We would hold that back from any future payment. We would not have to do it in the form of a percentage. If their next invoice is for \$1,000 they are only going to get \$200 of it. That may be one way to go as an alternative to withholding 10%. Bruce replied to give you an idea of the numbers 10% withholding on the project; it is 2.6 million dollar project so if we go all the way to the end and they don't want to pay they guy \$800 we are going to be holding \$260,000 of theirs. I think they are going to be motivated to pay \$800. Gary Minich asked what the committee needs to do here. David Williams

stated we just want to make everyone aware and to get our legal counsel on board so we can move forward. Bruce stated you don't have to do anything. David Williams asked Chairman Dunn if he was on board with this as far as turning the matter over to Mr. Baggett and Bruce Bird. Jay replied yes, I got a letter from Mr. Sarver I talked to Bruce about it and worked up a letter that I sent out and we got one back. It is just keeping the committee informed. Keith Ashby asked what has been done to prevent a situation like this from happening again in the future. Gary Minich asked what is the time period here, how long has it been since this happened. Bruce replied July of last year when they trimmed his tree. Gary Minich asked when we found out about it. Bruce replied that day. The contractor informed our onsite technician and said they were going to trim these branches and he stated I am not instructing you guys to that. He was upfront and adamant about it. Gary Minich asked when the property owner complained. Bruce replied that day when he came home. He contacted our engineering Tech and asked him why they did it and they did not ask my permission. Everything happened that day. Gary Minich stated I would like to see this to be sped up. If I were the home owner I sure would not want to be 9 months later and still no resolution. David Williams replied that is why we are following this avenue. Mr. Baggett are you familiar as what precautions we are talking about doing in the future as far as using or not using this particular contractor. Mr. Baggett replied no.

Bruce stated in regards to Show Bus the initial application for federal funding we sent in to IDOT to be approved so that Show Bus could be reimbursed Federal funds and eventually State funds for their services was sent FedEx the beginning of June last year and as of two weeks ago we had not received the concurrence letter back from IDOT. They have been sitting on it for however long it has been. David Williams stated Laura Dick received it today and it was dated February 6, 2013. Bruce stated they were giving us and her excuses of turnover and some people did not know what was going on. They did not know we turned anything in and so on and so forth. The bottom line is that Show Bus has been providing this service since July 1<sup>st</sup> with no reimbursement from the State or the Feds whatsoever, mainly because IDOT was dragging their feet. This was at Show Bus's request because they have to deal with them on a regular basis. I kept asking Laura do we need to get some other people involved to start asking questions from the legislative side of things. She kept saying no until about two weeks ago she said it is about time. David Williams stated we got a letter off to some of our elected State officials and it appears that there is some awareness and some willingness to cooperate to get things moving along. We had a meeting just before this. There is going to be something comes out in the paper in the next day or so where some of the funding has been cut for senior citizens. As of now Laura Dick with Show Bus said that they anticipated that funding cut and that will not affect their services to the cliental of Show Bus.

### **No Closed Session**

### **Adjourn:**

Jerry Potts made a motion to adjourn, seconded by Gary Minich. Motion Carried 6-0

Meeting adjourned at 5:54 p.m.

***The next Transportation Meeting held at the Macon County Office Building will be Wednesday, March 27, 2013 at 5:30 p.m.***

Minutes submitted by:  
Kathy Gerhold & Amanda Askew  
Macon County Highway Department