



MACON COUNTY HIGHWAY DEPARTMENT

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MINUTES

November 28, 2012

The Macon County Transportation Committee meeting was held on Wednesday, November 28, 2012 at 5:30 p.m. located at the Macon County Office Building, 141 S. Main St., Decatur, IL.

Transportation Committee Members Present:

Bryan Smith

David Williams

Jay Dunn

Gary Minich

Patty Cox

Susanna Zimmerman

Highway Department Support Staff Present:

Mark Funk, Road Supervisor

Amanda Askew, Office Assistant

Others Present:

Ryan Voyles, Herald & Review

Randy Waks, Assistant States Attorney

Kevin Greenfield

Phil Hogan

Call to Order:

The meeting was called to order by Chair Bryan Smith at 5:30 p.m.

Roll Call:

Bryan Smith

David Williams

Jay Dunn

Gary Minich

Patty Cox

Susanna Zimmerman

Approval of the Minutes:

Jay Dunn made a motion to approve the minutes from October 24, 2012, seconded by Patty Cox. Motion Carried 6-0

Approval of the Bills:

David Williams made a motion to accept the bills as presented, seconded by Susanna Zimmerman. Motion Carried 6-0

No Public Comments

Old Business

David Williams asked Randy if he had a chance to research Mr. Westerman's comments and concerns. I was looking forward to your report this evening. Randy Waks stated as I recall the concern was, how we can give an easement to property where we merely have an easement. I do not think we can. There are a lot of places on County Roads and Township Roads that merely have easements on the farmer's right-of-way. I do not think that we can give additional easements to somebody else. We can use the right-of-way for right-of-way purposes, but we cannot change the use. David Williams asked so then the easements along County Highway 20 that have been given have been given in error. Randy Waks replied I cannot answer that because I do not know who owns the County Highway 20. Randy Waks stated we would have to do a title search to see who owns it. David Williams asked how we can rectify

this situation in the future, would we have to do title searches before we would be able to grant an easement. Randy Waks replied yes, we would have to know that we own the property before we grant the easement. David Williams asked Bruce how we can handle that procedurally. Bruce replied when someone brings us a permit we would have to call the Recorder's Office to verify what is recorded. David Williams asked if we own the right-of-way then do we have the right to negotiate with those folks. I think Don's concern was that the utility laying the pipeline was circumventing the property owners. That is a concern of mine as well. I do not know what we can do to make sure that does not happen again. If we can I would like to see some type of a procedure put in place where we could force them to pay. Randy Waks replied I think that there is a possibility of charging a fee that perhaps could be close to what it would cost. David Williams asked if that fee would be a standard fee or could it be negotiated to the specific location or utility. Randy Waks stated I think it has to be as objective as possible. The most objective way is just to have a standardized fee, but you could make the fee variable depending upon where it is as long as it is uniformly applied to every situation. David Williams stated I hate to see the landowners being circumvented and I would like to see the Highway Department look at the feasibility of developing some type of a procedure where that does not happen. That would be determining what we have as far as right-of-way and what we can do as far as a charge if that feasible. I would like to put something into place to authorize or ask the County Engineer to look at that and report back to this committee at a later date. Randy Waks asked how many miles of County Highway we have. Bruce replied 234 miles. Randy Waks stated that would be a heck of an undertaking to research it all to find out. David Williams asked if we would be better off to research it as the situation comes up. Bruce stated Randy I could check with Mary to see if it would be simple from her standpoint for me to call down to gather the recorded information. I do not know if she would need to look that up or if we could come down and get trained so we can look it up. Randy Waks stated it would all come out of Mary's Office and I am not sure how far back you are going in the records. David Williams stated I am not sure we can do anything for old stuff. Randy Waks replied no, you would have to, say County Highway 20, became a County Highway and before it was a County Highway it was a Township Road. Bruce stated I can do some research with Mary first to find out if it is simple or if it is going to be a difficult undertaking. When you do a title search you're paying somebody to go and search the records. I don't know if she can do that in her office or if it's something that is more involved. You could do a fee based upon the lineal foot of the permit. If a farmer is just putting in any kind of utility you are only talking 10-15 feet length wise in the roadway. If you are talking like for example this water line that was about 5 miles. You could set something up like that, but let me check with Mary first and I will get back to you. Randy Waks stated as far as Mary doing the research, if we are not imposing upon her too often, it will not be an additional burden I think she would be happy to do it. David Williams stated I would think that this does not come up a whole lot. Bruce replied it is seasonal, spring time there is a lot. Jay Dunn asked what David meant by circumventing the property owners wishes. David explained the folks that were putting the pipeline along County Highway 20 they were not able to come up with a dollar amount that they felt they should be reimbursed for having their property disturbed. The pipeline company then came to the County and got a permit to put it in on our right-of-way at no cost to them. Jay Dunn replied if it was a fair offer and the owner wants a million dollars when it should be ten thousand that is a problem. If the offer from the utility was not on par with what it should be then that is a different issue. David William replied I didn't ask I know some folks were able to come to an agreement but there were 2 landowners between Forsyth and Oreana that were unable to come to it. Randy Waks stated another possibility for them would have been that it was the Village of Forsyth that needed it for their water lines; they would have had eminent domain abilities as well if they really needed it. They could have just taken the land and the court would have said whatever the reasonable fee is. I assume doing it in the Counties ditch is even cheaper than that. Jay Dunn stated I am not up for

just giving them free gratis every time they run into a problem with a landowner. If it is appropriate to charge a fee I would like to look into it.

New Business

Resolution appropriating funds for engineering expenses on the Washington Street (CH 38) Marsh Bridge replacement project: Motion made by David Williams, seconded by Jay Dunn. Motion carried 6-0

Resolution appropriating funds for engineering expenses in the Wise Road (CH 54) bridge rehabilitation project: Bruce stated this is the one on Wise Road that is currently closed we are going to do a review about the possibility of repairing the existing structure verse a replacement. That is what the work is intended to cover. Motion made by David Williams, seconded by Patty Cox. Motion carried 6-0

Resolution appropriating funds for additional engineering expenses on the Wyckles Road (CH 41) white topping project: Motion made by Patty Cox, seconded by David Williams. Motion carried 6-0

Resolution appropriating funds for additional engineering expenses on the Long Creek Township Ocean Trail Road bridge replacement project: Bruce stated this is the bridge that is immediately west of Prairie View Road in Long Creek Township. There is some additional engineering involved with the substructure evaluation before they finalize the plans. We have the right-of-way documents and the plans are essentially done. I am having a hard time getting landowners to contact me back on trying to get right-of-way so we can move forward with that project. This is just to wrap up the engineering side of that project. Motion made by Jay Dunn seconded by Susana Zimmerman. Motion carried 6-0

Resolution appropriating funds for construction expenses on the Elwin Road (CH 30) reconstruction project: Bruce stated the state provided three million dollars the bid came out at 3.7 million dollars so we were able to cut another \$350,000 out of the project as we built it. This is to wrap up the cost of the project. Motion made by Gary Minich, seconded by Susanna Zimmerman. Patty Cox asked when you plan on finishing out past Hibbard Rd. Bruce replied we have to do that in conjunction with IDOT. Our original plans had putting a curve in there to connect with the existing intersection with Wyckles Rd and Rt. 48. IDOT did not like the angle of the intersection in the design. They wanted to change the angle which involves moving the intersection, the railroad tracks, and the curve on the other side and redoing the curve. To their credit everything from Route 48 and even on our portion of Wyckles Rd north of the tracks, they are going to cover the cost of that work. We have to do the connector on the east side of Route 48. On the last IDOT program they had \$100,000 programmed for right-of-way in this next fiscal year. When they do that they will widen the intersection and put in turn lanes on Route 48. Once this is all said and done we will have a much safer intersection. When they get that part taken care of we will follow up and do ours. It looks like probably at least 2-3 years out, depending on engineering and their right-of-way acquisitions time table. Motion carried 6-0

Resolution approving a Memorandum of Understanding with Long Creek Township: Bruce stated when we passed our utility permit policy one of the caveat in there is if you had ongoing working relationships with municipally owned public utilities, that if those utilities wanted to waived the permit fees associated with the work they had to petition us and enter into an Memorandum of Understanding to do that. That is what Long Creek Water Department is doing with this exact Memorandum of Understanding. Motion made by David Williams, seconded by Susanna Zimmerman.

Motion carried 6-0

Resolution approving the salary of the County Engineer for 2013: Bruce stated the target salaries come from IDOT every year. The target this year is \$111,700 it is a 2% increase over the previous year. Motion made by Jay Dunn, seconded by Susanna Zimmerman. Motion carried 6-0

County Engineer's Report:

Bruce stated we had final inspections with the state today for a township bridge on Glasgow Rd. in Illini Township and also on the bridge on County Highway 25 north of Argenta. Both of those bridge projects are done, open, and complete.

Country Club Road is still progressing and as long as the weather is agreeable the contractor is planning on working through the winter. It is looking very nice; the contractor is doing a great job.

The County Highway 30 project is done.

The maintenance guys are doing crack sealing, tree and brush removal, and things like that. We have got a shed that is absolutely packed to the gills with salt, just waiting for it to snow if it ever does. If it doesn't snow we may not have to buy salt for two years.

Jay Dunn asked Bruce if had got any feedback yet from the state on the irregularity in the MFT funds. Bruce replied yes and they gave some information, the biggest thing being, they said you get a certain amount from registration fees, but we want to know the number of registrations fees to know if it had increased or fallen. I have not had the chance to sit down and run those numbers. The number of registrations just by glancing is not down 30%. It will dovetail into this larger thing, I will have a presentation for the committee and maybe even for the County Board as a whole where, not just Counties but all the local roads, their share of the Motor Fuel Tax dollars as compared to vehicle miles traveled. Just to get a rough number out there, all the local roads carry 38% of the vehicle miles traveled. The last full year we had all the information on it we got 18% of the funds. We got funding for half the vehicle miles traveled. If we want our roads to be maintained properly that has to change at the State level. I will have some more information here in the very near future.

Miscellaneous Business:

David Williams asked Bruce if we have an agreement in place with Forsyth like we just approved for Long Creek. Bruce replied not yet, no. David Williams asked if we ever approached them with that possibility. They are going down the County right-of-way this time and they have gone down Township roads in the past when they installed the well to the south and east of Maroa. I didn't know if this was something that we might want to approach Forsyth in working with them. Bruce replied I have not done that yet. I can contact them. David Williams replied I do not know if that is our business to contact them. I was just curious.

Bryan Smith stated our December meeting falls on the day after Christmas and I am sure some people will be gone, at that time there will be a new chairman of the committee so I don't know, Mr. Waks, if it would be appropriate to change or cancel the meeting. Randy Waks replied you can change it if you want, you will need to publish it. Bruce Bird asked don't they have to publish all the years meetings here shortly anyway. Bryan Smith replied yes at the beginning of the year. Bruce stated in the past we have always moved it up a week just to get away from Christmas or I can cancel it, whatever you guys would like to do. David Williams asked do we traditionally have much business in December. Bruce replied I will have two items but it would not be difficult if it had to move to January. Gary Minich made a motion to cancel the December Transportation Committee meeting, seconded by David Williams. Motion carried 6-0

Transportation Committee Minutes
November 28, 2012

Randy Waks stated that this would be his last meeting with the Transportation Committee. It has been fun. The committee thanked Randy for all his work and wished him luck with his retirement.

No Closed Session

Adjourn:

Jay Dunn made a motion to adjourn, seconded by Susanna Zimmerman. Motion Carried 6-0

Meeting adjourned at 6:00 p.m.

The next Transportation Meeting held at the Macon County Office Building will be Wednesday, January 23, 2013 at 5:30 p.m.

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