



## MACON COUNTY HIGHWAY DEPARTMENT

2405 N. Woodford St. Decatur, IL 62526

217-424-1404 FAX 217-424-2516

### CLOSED MINUTES

(opened at 5/11/17 closed minute review)

January 28, 2015

#### Transportation Committee Members Present:

Patty Cox

Kevin Meachum

Kevin Greenfield

Phil Hogan

John Jackson

Kevin Bird

Pat Dawson

#### Highway Department Support Staff Present:

Bruce Bird, County Engineer

Mark Funk, Road Supervisor

Amanda Askew, Office Assistant

#### Others Present:

Bruce stated I have been working with the Macon County Conservation District on a parcel located on County Highway 38 north of Argenta. It is known as the Agee property but it actually a trust owned by Rannebarger Family Trust Farm. Off to the lower end of the page where the yellow line was cut off is; this property currently abuts the north end of Friends Creek Conservation District. The issue that we had up there, if you notice the red line that marks out a bridge that is on the entrance that goes into the farm house. There is a farm house in the middle of a wooded area. That bridge is an entrance to the farm house and since it is an entrance initial installation was born by the land owner a long time ago. We have been maintaining it ever since. That bridge is currently closed. It is in very poor shape. You can see that there is a rock lane our guys added a couple years ago to help with their access into the farm. I measured the lane it is almost a ½ mile in length. John Jackson asked how far from the bridge is the lane. Bruce replied about ¼ mile. Phil Hogan asked what is the purpose of the bridge if there is a road. Bruce replied the bridge is the entrance. When we first started putting weight limits on the structure there, the land owners were complaining that we were restricting their ability to get crops in and out of there. They have bins and storage back in there. That is why we added the road. The Gerber State Bank is the manager of the Trust. We are looking at either trying to rehab the existing bridge or replace it. We had the bridge evaluated. The structural engineer said that is in such poor shape there is no way to rehab it. It would have to be a total replacement. If we had to totally replace it because of the proximity to the creek next to the road there will be a lot of environmental issues. Total cost would be around \$750,000. That is a lot of money for an entrance. We started looking at other options and alternatives. One of the alternatives is to purchase the property with the Conservation District acquiring funds to help purchase it. We would also throw some money into the purchase and convert it all to Conservation ground. It would be cheaper than putting in a new entrance. We had the property appraised by Heartland Ag Group their appraisal for the entire property \$525,000. The Trust would like to see something closer to \$800,000. The grant monies the Conservation District can access will pay 60% of the cost of the property. If we had a valid appraisal it would be 60% of whatever that is. Kathy with the Conservation District thinks she can get that grant money and they would know by July 1<sup>st</sup>. There are a lot of options that we can do going forward here and before we go forward I wanted to share this with the committee and find out where everybody fell with this and how they wanted to go forward. Kevin Greenfield stated I went out there Sunday. The County has put them in a ½ mile road. It is a nice road 21' wide. I am assuming the cost for that road was about \$30,000.

Transportation Committee Minutes  
February 26, 2014

Bruce stated we get CA-6 really cheap; the material probably cost \$12,000.

Kevin Greenfield stated but that is not trucking it out there or the labor.

Phil Hogan asked this road starts at County Highway 38.

Kevin Greenfield stated I do not know why we would do any more than what we have done.

John Jackson asked do we assume any liability or maintenance on it going forward or is this a onetime deal?

Bruce asked what of the road? It is a onetime deal.

Kevin Greenfield stated I do not know why we would spend \$200-\$300 thousand dollars and give this to the Conservation District, when we have already put them in a driveway that is as good as any road. As far as I am concerned we are done.

Patty Cox asked are you saying that this bridge is our responsibility to repair?

Bruce replied it has been our responsibility.

Kevin Greenfield asked but why?

Bruce replied because it is an entrance off of the roadway and it goes back into...

Phil Hogan stated like Kevin said with the road entrance doesn't that supply them an entrance.

Bruce stated that is why we are having this closed session. I wanted to get everybody's opinion on this.

Mike Baggett stated as Bruce said when this bridge originally got put in because it is off of a County Highway we obtained an obligation to maintain the bridge as the entrance to the property. The bridge deteriorated. Our responsibility is not necessarily to maintain the bridge but to maintain an engineered solution to access to the property, which has been done via this roadway that has been built. As to whether or not we have an obligation to maintain the roadway in the future I cannot speak to that. I do not think that we have an obligation to repair the bridge at this point.

Bruce stated I have what is called the property access agreement that was signed back in 2011. The agreement was made in between Gladys Rannebarger Trust, Gerber State Bank, and Macon County Highway Department it says about maintaining legal road access. Now, therefore in consideration the mutual convenience herein contained is agreed as follows. The County agrees to provide to the owner an upgraded entrance along an existing dirt lane that is located west and northwest of the farm house property. The upgraded entrance will consist of 20' wide roadway constructed with a rock base and all necessary dirt work and drainage appurtenances. Length of the entrance is approximately ½ mile. The County agrees to construct this entrance the owner agrees to maintain the upgraded entrance once it is constructed. Item 4: the owner agrees to allow the County to schedule an engineering solution within 3 years to the weight limited bridge at the entrance to the property. Construction and replacement as time and funds allow and to release and hold harmless Macon County Highway Department, the County of Macon, its employees and agents from any and all liability claims, demands, controversies, damages, actions, and causes of action rising out of the construction of the upgraded entrance. It says construct or replacement, is the road a replacement. I guess that is my question.

Kevin Bird asked is anybody living back there still.

Bruce replied they are living there right now, but it is part of a lease. It is the grandson of Mr. Agee.

Kevin Greenfield commented it is not the nicest house in the world.

Mike Baggett stated in reading the contract my advice to the Board at this point. I don't think that it is in our interest to go back to them with "there is no way this is going to happen." I do not think we need to put our foot down that hard. I do think that it is worth reaching out to them and asking them if we tear down the bridge and leave you with the road access is that going to be satisfactory to the Trust. Just feel them out. If we get a hint that they want that bridge replaced at that point we would need to analyze whether or not the County has funds now or will have funds in the future. There is nothing in the contract that obligates us into entering into an IGA with the Conservation District. Where the Conservation District will be paying the majority of the cost, but we would be paying part of it. The fact

of the matter is if the County does not have the money it doesn't have the money. I do not think we need to get to that point until we know for sure whether the Trust is going to demand a replacement of the bridge or if it is going to be satisfied with the roadway the County has already put in there.

Kevin Greenfield asked can they demand that.

Mike Baggett replied I think under the language of the contract there is an argument that they can make that demand. Weather it will hold up I do not know. There is a clause in the Contract, as read, is that the County is going to schedule an engineering solution to the weight limited bridge. Now we can argue in court whether or not that solution is an alternative to the weight limited bridge or if that means we have to fix the weight limited bridge in an engineered solution.

Kevin Meachum asked what about the relocation of the roadway. Isn't that an engineered solution?

Mike Baggett replied signed by County Engineer and the Trust.

Bruce replied that was back with Randy. I know I worked with him to get that put together.

Kevin Meachum stated what I am asking is since we put the road in isn't that an engineered solution to the bridge.

Mike Baggett stated that is the argument, whether a judge or a jury buys that argument...no one knows what they are going to do. What I would recommend at this point is, we do not have a firm position. This has been approached as an opportunity for the Conservation District to come in and do a land swap. We do not know the Trust's position and I would hate to come out with a firm stance on behalf of the County and box them into a corner before we even know what their attitudes about alternatives would be. I think if they flatly reject the idea that the road is going to be a satisfactory solution then at that point we need to look at it and determine whether it is worth fighting over or not. I don't think we are there yet.

Kevin Greenfield asked are they the ones who raised the question of the bridge needing replaced.

Mike Baggett replied I think the bridge is unusable at this point.

Kevin Greenfield stated they don't use it, they use the road.

Bruce replied yes, they have to. We have barricades on the bridge. The only thing the bridge is used for is to walk out and get there mail. They cannot legally go across the bridge.

Mark Funk stated our road is actually wider than the bridge.

Kevin Greenfield agreed.

John Jackson asked if it is a functioning operation or is it just that house.

Bruce replied no, he is using the bins. Mr. Agee owns two of the bins and the dryer on the property. He is leasing the property so if they break the lease he is going to have to remove those. The machine shed stays.

Kevin Meachum stated what I am hearing is that we just need to evaluate our options and come back to the committee with what is going on.

Bruce asked do you want me to approach the Trust and find out their feeling about the existing roadway for access as an engineered solution.

Mike Baggett replied yes, indicate to them that it doesn't look promising that they Board would agree to the land swap.

Bruce stated the other thing to keep in mind is that normally in our bridges we use a mix of either State or Federal funds to pay for the majority of the cost of the construction. We really cannot in this situation because it is not on a Federal Aid Route. It is an entrance.

Kevin Greenfield stated so the chance of us ever being able to afford to do it is slim.

Bruce replied well, we could but it would take money that we would actually use to match against other dollars.

Mike Baggett stated the fact of the matter is that if we go to the them and basically indicate that the County Board is unlikely to make an agreement with the Conservation District...there are no funds to

Transportation Committee Minutes  
February 26, 2014

replace it and see what they think. Litigation will cost them as much as it will cost us to litigate if not more and possibly substantially more. They have a solution, if they really want to fight and dwindle down the Trust dollars to hire the lawyers necessary to do that, okay. Find out where they are at before we decide to pull the trigger one way or the other.

Kevin Bird asked Bruce, have you been approached by anybody about that bridge or not?

Bruce replied the reason we started looking at it is because the bridge started out with a weight limit on it. I said we need to come up with an option other than \$750,000 because that is just not going to work. I approached the Conservation District first, that is when Kathy said she was going to try and find possible sources. Once she hit on one that was solid that is when we approached the Trust about the possibility of that. It was also at the same time with the weight limit on there, they were complaining to us that we were cutting off our access over 80,000 pound trucks. That is when we put the road in.

Kevin Bird asked since the road we have not had any more complaints about the bridge or possible replacement of it.

Bruce replied before they could take a pickup truck across the bridge and they did not like it when we closed it entirely. The first couple of months and it hasn't been anything since.

John Jackson asked would accepting the alternate satisfy the agreement.

Mike Baggett stated it is an argument. I cannot say yes or no. It is a good argument; good arguments do not always carry today.

Bruce replied I know when I talked to Randy about this agreement. I said we have to come up with some language that does not lock us into having to replace the bridge.

Kevin Bird asked so they are still walking across this to get their mail.

Bruce replied yes.

Kevin Bird asked what happens at the point that somebody falls through that. Are we liable for that?

Bruce replied it is closed to vehicular traffic. If you did a bridge evaluation for pedestrian traffic it would be just fine.

Kevin Bird asked why don't they move their mailbox down by the other drive?

Mark Funk stated the only complaint I have heard about it is that they wanted us to plow it.

Patty Cox asked if everybody was at the same census to find out where they stand.

Everyone agreed.

Kevin Bird made a motion to go back into open session, seconded by Gary Minich. Motion Carried 7-0