

HIGHWAY COMMISSIONER'S MEETING

October 19, 2011
O'Fallon Township
801 E. State St.
O'Fallon, IL 62269

CALL TO ORDER at 6:59 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Supervisor Gary Ahle, Highway Commissioner William Peach, Town Clerk David M. Witter, Trustees: Glenn Loyet, Jeff Bevirt and Kenneth Joseph; Deputy Town Clerk/Recorder Debbie Allsup, General Assistance Administrator/Recorder Sheri Heil and Attorney Cory Easton.

A motion was made by Trustee Jeff Bevirt to excuse Trustee Gary Hursey and was seconded by Supervisor Gary Ahle. Motion Carried.

Others present: Gary Fohne, Douglas Scott, Mel Hutnick, Gerard Helldoerfer, Mike Wrigley and Steve Ficker.

APPROVAL OF PREVIOUS MEETING MINUTES

A motion was made by Trustee Kenneth Joseph to approve the minutes of the previous Highway Commissioner's Meeting as presented and seconded by Trustee Jeff Bevirt. Motion Carried.

HIGHWAY COMMISSIONER'S REPORT

- ☆ Throughout the Township weeds were mowed and trash was picked up
- ☆ Patched with blacktop at bridge approaches and where needed
- ☆ Stockpiled chips
- ☆ Had 3 (three) trucks state inspected
- ☆ Repair work on John Deere hydraulic controls and leaky hoses
- ☆ Overhead doors inspected and serviced

Trustee Gary Hursey arrived at 7:02 P.M.

Highway Commissioner Peach reported that when the overhead doors at the garage were inspected, one of the doors will not pass state safety inspection. Estimate for a transmitter/safety switch to fix the problem and pass the inspection is \$599 (five hundred ninety nine dollars).

Commissioner Peach was going to have the generator serviced but found that there was anti-freeze in the crank case. Hoping that the problem is only a head gasket, the estimate for repairs is approximately \$900 (nine hundred dollars). If there is more wrong, a new estimate will be given.

C.J. Huller Bridge on North Reider Road has a pier that is deteriorating. Peach had the County inspect the bridge and has been advised the repairs are necessary in order to prevent further damage to the structure of the bridge. There is also a tree with a large root system that is re-routing the water and causing erosion on the southeast corner on the east side of the bridge. The estimate to fix the pier and remove the tree is \$6,000 (six thousand dollars).

Peach met with the City of O'Fallon to set up a payment agreement for what the City will pay the Township for snow removal during the winter season. Paperwork for the agreement should be completed by the City within a week.

Lastly, Commissioner Peach announced the bid opening on Monday October 21st, 2011 at 8:30 A.M. for work on Borchers Lane.

UNFINISHED BUSINESS

The issue of a payment from the Permanent Road Fund to L.W. Contractors, Inc. in the amount of \$8,200 for repair work on a pipe break on Behrens Road was re-addressed. Commissioner Peach asked that Steve Ficker; a representative with Gonzales Companies and, Mike Wrigley from L.W. Contractors be present to answer questions the Board may have.

Steve Ficker began by saying that what happened on Behrens Street was such a rare event, nobody could have foreseen it. With such a large amount of water rushing through the pipe and the dirt being newly compressed did not have time to pack down enough to hold the pipe down. The cost for soil testing would have been \$5,600 (five thousand six hundred dollars), and the engineer did not believe the tests would have been feasible. The repair done to the pipe consists of concrete and chain link fencing around the pipe to ensure that pipe will not rise up again. Ficker said that another option would be to use concrete pipe throughout the whole project which would have increased the cost by \$130,000 (one hundred thirty thousand dollars).

Trustee Glenn Loyet asked what a "performance bond" covers. Ficker said that the bond covers only workmanship and did not think the incident was a "workmanship issue". The performance bond does not cover acts of nature such as the incident with the pipe. Ficker explained to Loyet that it was not a constructive error but, forces of nature pushed the pipe out of the ground. Discussion followed about fault and responsibility for this incident. Trustee Jeff Bevirt asked Ficker what will prevent this from happening again anywhere on the rest of the Behrens Street project. Ficker said it could happen again but not likely. The dirt did not have enough time to pack down before the rain came. Soil testing could be done from now on to each project but Ficker believed that it would be an unnecessary expense being that it was a rare circumstance.

Trustee Gary Hursey questioned Mr. Ficker about any kind of warranty on the work since this break occurred approximately 2 (two) months after the job was completed. Hursey indicated that since so much work has been done with the engineer in the past and more work coming in the future, couldn't some sort of compromise be made with regards to the repair cost. Trustee Kenneth Joseph also wanted to know about a warranty for the work done. He gave an example of work done at his residence and two years later, repairs were needed due to "acts of nature" and the contractor did the repairs free of charge. Mr. Ficker answered that repairs because of a "design flaw" would be taken care of by the engineer, but this was not a design flaw, it was simply a hard rain coming so soon after the job completion, and the dirt not having time to settle around the new pipe.

Mike Wrigley from L.W. Contractors addressed the Board and basically agreed with everything the Mr. Ficker had stated earlier. Wrigley reiterated that if the job had a chance to heal up and weather through the summer letting the root system knit, this would not have been an issue. Trustee Loyet told Wrigley that he believed the contractors were not at fault and were only doing what the design specifications by the engineer indicated. Loyet also believes some sort of deal could be made with engineers with regards to the repair bill. A brief discussion followed. Mr. Ficker stated he was not willing to make any payment towards the repair bill

A motion was made by Trustee Jeff Bevirt to approve payment for repairs on Behrens Street in the amount \$8,200 (eight thousand two hundred dollars) to L.W. Contractors and seconded by Trustee Kenneth Joseph. Roll Call: Loyet-nay; Bevirt-aye; Ahle-aye; Joseph-aye and Hursey-aye. Motion carried.

Highway Commissioner Peach requested a Transfer of Appropriation in the Permanent Road Fund. Highway Commissioner Peach wants to transfer unexpended monies (\$5,268) from the line item of Pohlman Road Resurfacing, a project that is completed and, an unexpended balance (\$6,500) from the line item Provision for Contingencies. Peach wants these funds to be transferred to the line item of Yearly Emergency Road Maintenance. Commissioner Peach stated that the balance in the Yearly Emergency Road Maintenance Line Item is \$3,562.42 (three thousand five hundred sixty two dollars and 42 cents). This is the balance after paying L.W. Contractors for the Behrens Street repairs. Supervisor Gary Ahle asked Peach if that is the reason he wants to move these funds. Peach said it was for that, and for a pier repair and tree removal on C. J. Huller Bridge located on North Reider Road. Supervisor Ahle wanted Peach to clarify that the repair on the bridge could not be done without the funds transfer. Peach said that all other monies in the budget are logged under specific line items for specific purposes. A brief discussion followed. Getting back on point about moving the money, Trustee Jeff Bevirt said he believed that Commissioner Peach justified his reasons for moving the funds because of the recent inspection of the bridge on Reider Road. Trustee Kenneth Joseph agreed with Bevirt. Trustee Gary Hursey still had questions regarding the money amounts listed on the Transfer of Appropriation request. Hursey wanted to verify the amounts that were listed on the transfer. It was explained that the amount Hursey was looking at would be the ending balance on the budget after the monies were transferred.

Trustee Loyet asked Commissioner Peach why the repairs on the Reider Road Bridge couldn't come out of the Bridge Fund – Maintenance (line item #6028) Peach responded that money on that line item is only for emergency repairs. Loyet contested that this is a bridge repair to maintain the bridge's structure, so the money should come out of the bridge fund. A brief discussion followed. Trustee Kenneth Joseph was in agreement with Loyet about using the bridge fund to repair the bridge. Commissioner Peach than said that line item is for maintenance. Peach added that the pier repair could come out of the bridge fund, but removing the tree root and adding rip rap would come out of emergency repairs, which he states is an emergency repair.

Supervisor Ahle addressed the Board if they want to approve the transfer of monies to the Yearly Emergency Road Maintenance. Ahle asked Peach if the transfer is not approved, can he get the money anywhere else to repair the pier. Peach's response was that it would just not get done, and the County said by not repairing the pier could affect the bridge structure. Trustee Loyet went on to say that the amount of money in the Bridge Fund – Maintenance Line Item was \$15, 889.00 (fifteen thousand eight hundred eighty nine dollars). Fixing the pier and removal of the tree are part of repairs and maintenance for the bridge and should come out of this line item.

Peach stated that it is not really maintenance, but an emergency repair. Commissioner Peach then began to read a paragraph from the General Administrative Duties of the Township Highway Commissioner (August 2009) Section VI: A-2 in reference that the Board is not the boss of the Highway Commissioner. Commissioner Peach then told the Board it is his decision how things are paid and what line item they come out in the budget, and he wants to pay for the repairs to the bridge out of the Yearly Emergency Road Maintenance Line. More discussion followed. Supervisor Ahle then asked the Board what they wanted to do; going down the line: Hursey-no. Supervisor Ahle asked Commissioner Peach if he can pay for the bridge out of the Bridge Fund line then, if something comes up later and the money is needed, the money will be transferred as needed. Trustee Kenneth Joseph agreed and also asked Peach if that would be alright. Peach went on to say that the tree is not part of the bridge and the removal of it cannot come out of the bridge fund. Joseph said that the tree was part of the bridge in a roundabout way, because the tree has an affect on the structure of the bridge and therefore, removal of the tree is part of the bridge maintenance.

Discussion followed on what exactly is wrong with the pier, how it is going to be repaired and who would be doing the repairs. Commissioner Peach really did not know who would do the repairs and said he will be taking bids and has just received an estimate of \$6,000 (six thousand dollars). Joseph asked who the estimate was from and Peach said it came from L.W. Contractors. Supervisor Ahle asked Trustee Joseph what he wanted to do. Joseph responded that he agreed earlier with Ahle, which is, do the work out of Bridge Fund and if something comes up later down the road, then the Board would consider the transfer of monies at that time. Supervisor Ahle again asked Commissioner Peach if he would agree to that. Peach responded that he didn't have a choice; either do it that way or the bridge don't get fixed. Commissioner Peach was then adamant about his recommendation to take it out the emergency road fund. Loyet said there is over \$15,000 (fifteen thousand dollars) in the bridge fund, take it out of there.

A motion was made by Trustee Glenn Loyet to not approve the transfer of funds and seconded by Trustee Gary Hursey. Roll Call: Loyet-aye; Bevirt-aye; Ahle-aye; Joseph-aye and Hursey-aye. Motion carried.

NEW BUSINESS

No new business.

READING AND APPROVAL OF HIGHWAY COMMISSIONER'S BILLS

Permanent Road Fund	\$	13,636.53
Road & Bridge Fund		107,626.04

A motion was made by Trustee Jeff Bevirt to authorize the payment of the Road District bills as read and seconded by Trustee Gary Hursey. Roll Call: Loyet-abstain; Bevirt-aye; Ahle-aye; Joseph-aye and Hursey-aye. Motion carried.

Trustee Kenneth Joseph questioned the totals of the bills paid and it was then discovered by Clerk David Witter that Commissioner Peach missed a whole page of bills which he then read.

A new motion was made by Trustee Jeff Bevirt to authorize the payment of the Road District bills as all now read and seconded by Trustee Gary Hursey. Roll Call: Loyet-abstain; Bevirt-aye; Ahle-aye; Joseph-aye and Hursey-aye. Motion carried.

Trustee Kenneth Joseph stated for the record that he likes having all the bills read aloud at the meetings.

PUBLIC INPUT

Trustee Gary Hursey wanted to address the Board about the standard of work from the contractors and the engineers. Possibly bringing an "Errors and Omissions" or a "Contingency Insurance" when the Township is paying so much money for work. More discussion followed.

ADJOURNMENT

A motion was made by Trustee Kenneth Joseph to adjourn the Highway Commissioner's Meeting and seconded by Trustee Gary Hursey. Motion Carried.

The Highway Commissioner's Meeting adjourned at 7:48 p.m.

Respectfully submitted by:

David M. Witter
Town Clerk