

## HIGHWAY COMMISSIONER'S MEETING

June 20, 2012  
O'Fallon Township  
801 E. State St.  
O'Fallon, IL 62269

CALL TO ORDER at 7:00 P.M.

### ROLL CALL

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

Town Clerk David M. Witter arrived at 7:02 P.M.

Others present: Gary Fohne, Douglas Scott, Syd Spengler, Gerard Helldoerfer, Scott Brennan (Rite-Way Construction), Pat Judge (Gonzalez Companies) and Susan Parkinson.

### APPROVAL OF PREVIOUS MEETING MINUTES

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

### HIGHWAY COMMISSIONER'S REPORT

Highway Commissioner Peach stated the Road District had done the following during the period of May 16th, 2012 to June 20<sup>th</sup>, 2012:

- ☆ Mowed weeds and did weed eating
- ☆ Picked up trash
- ☆ Switched from mower attachment to ditcher attachment to clean out ditches and culverts after heavy rain
- ☆ Replaced several signs that had been painted over
- ☆ Hauled millings to Borchers Lane
- ☆ Spread lime on bleeding roads

### UNFINISHED BUSINESS

Commissioner Peach introduced Scott Brennan (project manager) from Rite-Way Construction to answer questions from the board. Supervisor Gary Ahle instructed everybody that he would like for the elected officials to ask their questions first, and then anybody else may speak. Trustee Gary Hursey started off with questioning about no surveying being done on the properties and the road before construction began. Hursey did state this may be a question for all three (Gonzalez Companies, Rite-Way Construction and Commissioner Peach) to

collectively try and clear up for him and the rest of the board. Hursey also wanted to address the add-ons which raised the cost of the project. Rite-Way's original total bid for Borchers Lane was \$454,303.50 which was considerably less than the other bids received. As an auditor for the township, Hursey wants to know how the project cost can be off by so much from the original bid. Brennan recalls the first big change order was surveying to move the road because nobody was aware that the property lines went out to the middle of the road. Brennan said this was before Rite-Way even started so he has nothing to do with that. Hursey asked if the contractor would know about the property markers or, if this is all completed before construction starts. Brennan said that should all be complete prior to the start of construction.

Hursey then turned the subject over to Pat Judge with Gonzalez Companies who did all the engineering for the project and asked if this \$80,000 change order is their responsibility. Judge answered right off by saying "no". Essentially, per Judge's assistant Steve Ficker, the road was to be redone in the same spot where it was originally. Judge continued that besides surveying and moving the road a few feet, there was a 40 ft. embankment that had to be built up which also increased the cost. Judge said his company was hired by Peach to engineer the road. They did a few different designs which were an additional cost. Peach had a certified platte for the street car trolley through there. Because of this Judge said that Peach did not want to spend the \$15,000 to do the right-of-way survey because of this old certified platte. Hursey asked how old this survey was, 10 years or 100 years. Judge did not give a specific age, but did say they were old. Hursey said you would reasonably think that with something being that old, you would probably want to survey to be certain of property lines. Judge again stated that Peach did not think it would be prudent to spend the \$15,000 to survey since he had a right-of-way platte. When the project was just getting started, property owners came out and showed Peach and the engineer their deeds indicating where the property lines extended out into the road. Judge said Peach then had two options; shut down the project, go to an attorney and then go through the St. Clair County Courthouse. Since the records at the Courthouse were not up to date, somewhere there is a survey that is in conflict with the Courthouse and the old trolley platte.

In regards to engineering fees, Judge said that the original engineering bid design did not specify storm sewers and ditch sections. It was initially designed with ditches, which is the cheapest way to go. Judge stated that Peach had received calls from residents concerned about the number of trees that would be removed. Peach asked Judge to do an alternate design with storm sewers. Judge said that Peach held a "public" meeting where the residents voted on which design they preferred. Trustee Hursey asked when this meeting was because he did not know about it. Judge wasn't sure of the exact date when the meeting was held (September 13<sup>th</sup>, 2011 at 6:00 P.M., O'Fallon Township) but did say approximately 80% of the residents showed up. Judge said that the residents all voted for the alternate design with the storm sewers. So the design and plan went off the alternate design. Hursey wanted to know if all of this had been done before the bids were submitted and Judge said it had. Hursey said again, here we are with the design selected (with storm sewers) the bids are submitted, and still the change orders are still coming in. Judge said the change orders that came in are justified and he believes that when completed, the project will come close to Peach's budget. Judge added that is not in terms with base bid -vs- change orders. Hursey told Judge that is exactly talking about. Hursey commented by bidding low the contractor gets the job, but than add change orders to drive up the cost which in turn winds up being closed to the next bid. Hursey said maybe the next bid would have figured all of these add-ons that the low bidder didn't. Judge said he knows for a fact that these add-ons would not have been foreseen by the next bidder. Other change orders seen by Gonzalez Companies are justified. Hursey stated that it still goes back that they did not have a good plan with this many change orders and such an increase in cost. Hursey said he is not against the property owners having their property according to deeds, but he believes this whole

project was just not organized or planned out very well, and he said he thinks the rest of the board feels the same way. The project should not be 20% - 30% over. Hursey said being elected officials, this whole thing makes them look bad, and when the Road Commissioner is not forthcoming with information, that just adds to it.

Trustee Kenneth Joseph asked Judge about the first change order in the amount \$80,000 - \$85,000. Since this did involve engineering, are we just supposed to eat this because somebody did not want to do the survey? Judge said since Peach did not want to do the right-of way survey, yes the Township does incur this cost. Supervisor Ahle said because of that, instead of an additional \$15,000 for surveying, it now cost us \$86,314. Judge said that surveying is not the only thing included in the \$86,314. This would all have been in the base bid had it been surveyed. Moving the road over and all the dirt to build up the embankment would have been in the base bid. Hursey understands that but in his line of work, Hursey said if his bid is off by a third, he eats that because he did not bid it right. Hursey said he has never had this happen to him though in 25 years in business. Hursey is not placing blame; he said it is just not right to be off by so much. This is almost a \$100,000 to be off on a project, not a couple thousand. Hursey said he believes this falls on the engineer because he works for Commissioner Peach. The board has asked for straight accounting from Peach and he will not comply. Hursey has even asked the Township Attorney, Cory Easton to audit Peach's records on this project. Judge said his records are an open book if anybody wants to look at them. Trustee Jeff Bevirt said this is one of the questions he has. He understands change orders #1 and #2 had to do with the realignment of the road, but it has been asked to get a breakdown of change orders #3 and #4 are for. The only answer received so far is "additional hauling" and have not received any itemized list. Bevirt asked about change order #5 which is supposed to be a credit. He wanted to know how much the credit was for. Hursey brought up the fact that nobody is aware of change orders until it comes time to pay whoever the money is owed to, then they magically appear. A brief discussion followed. Hursey wanted to make a comment on what he sees is the problem; a Road Commissioner that doesn't believe that the board needs to know what is going on, so when questions are asked, they do not get answers. Because of this, it bothers the trustees that they have to pay on bills they are not even aware of; amounts that are higher than proposed because Peach feels it is none of their business, and only brings it up to the board when he has to.

Highway Commissioner Peach said the thing that threw this whole project off from the start is the project broken down into two phases. Peach said the contractor is in charge of doing what he wants to, when he wants to on the road project. A lot of the cost in the first phase was due to more pipes being put in then was originally called for along with more rock. Peach believes that when all this comes down, the cost will not be as bad as what has been thought. Hursey again states to Peach that if this project had been planned out better, there wouldn't be all these additional charges. Hursey said they're looking at it like; when something comes up, no problem, just pay it. This is not the way to handle things and should not be. Peach said for every job there is change orders and overrun.

Supervisor Ahle stated from going over his notes from past meetings: Rite-Way Construction original total bid amount of \$454,000 is now at \$595,000; Gonzalez Companies are at \$141,000 which is 31% of the total cost; soil compaction samples - \$3,000; millings purchased out of a different line item other than Borchers Lane - \$5,000. Peach immediately questioned the \$5,000 amount and asked where they came up with that amount. Ahle referred to an invoice (#6487 dated 4/16/2012) from Christ Brothers for 819 ton of millings (\$6.00/ton = \$4,914.00) delivered to the road district yard and then later hauled out to Borchers Lane by the road district. The payment was taken out of Supplies (Roads) line item. Peach claims that has nothing to do with the bid. Hursey stated that is why they do a budget to approve what money goes where and

what it's to be used for. It was explained that the millings expense should come out of the Borchers Lane Project and not general road fund. Ahle said the way it's looking right now, the project is up to approximately \$750,000. Peach disagreed with that amount. Peach said all that needs to be done is the blacktop and, according to Peach, there is still \$250,000 balance in the Borchers Lane line item. Ahle gave a breakdown; Rite-Way – paid \$495,000, still owe \$95,916; Gonzalez Companies – paid \$141,000; total equals \$735,916. Peach again breaks the total project into two phases; according to his calculation he is within \$17,000 of the first \$300,000 from phase I and with \$350,000 on phase II, right now according to Peach, including the bill to Rite-Way Construction for \$119,443.14 in tonight's bills, he has a \$249,000 balance left to do the blacktop. Trustee Loyet wanted to know what can still be owed for engineering to Gonzalez if the project is almost finished. Trustee Joseph noted another payment to Gonzalez for Borchers Lane in tonight's bills for \$6,554. A brief discussion followed. Ahle again stated that along with the board, he just can't accept engineering costs being 31%. Peach stated before that he is the one responsible for the project, but Ahle said the board is responsible for approving the money paid out. More discussion followed. Ahle asked if anybody else had any questions for Scott with Rite-Way Construction. With no more questions, Scott Brennan excused himself from the meeting at 7:28 P.M.

Peach said that he received the proof of insurance from the bicycle organization that sponsors the yearly race.

Peach informed the board that the 2000 International 3 ton dump truck had been sold to Freeburg Township. Peach said that after Freeburg had a fire at their garage, he called and offered to loan them the truck until they made other arrangements. After they used the truck, they decided to purchase it. Peach said he was going to ask \$15,000 for it and was offered \$14,000 and settled on a sale price of \$14,500. Peach said that he was offered \$5,000 - \$6,000 trade in by state bid International dealership. A brief discussion followed.

Pat Judge addressed the board with a progress report for Rieder Road. Judge said that they have started the IDS (Intersection Design Study) which is required for the north leg at Highway 50 and Rieder Road. The bridge design is underway for the railroad bridge design which will be a span of 75 ft. Judge said his assistant Steve Ficker attended the public information meeting held at Mid-America Airport for the new interchange project held on April 26, 2012 from 4:00 P.M. – 7:00 P.M. Almost finished with the storm drain designs for all the drainage around the area. Determined cross-sections for the roadway which basically is the number of lanes for the road. Judge and Peach met with Jim Fields and Tom Holdner from St. Clair County Highway Department to get their input and review of what the Township is doing. Judge said not now but in the future they have the right-of-way to make Rieder Road 4 lanes. The County wants it to be 5 lanes with one being a left turn lane. Judge also explained about guidelines to follow with a program called "Complete Streets" which means having a combination pedestrian/bike path along the new road. These guidelines are for any federally funded projects.

Trustee Kenneth Joseph wanted to know the chances of a small township such as O'Fallon getting funding for the new road and bridge when there is no safety issue, and how would we qualify? Judge said O'Fallon would qualify with a number of different programs. Hazard Safety Improvement Program (HSIP) is one that would not qualify because of the reasons Trustee Joseph pointed out. The Illinois Commerce Commission (ICC) does qualify us because of the one-lane bridge. Judge said O'Fallon Township would qualify for 60% of the funding if we are selected and put on the 5-year program. Judge stated the Township is not on the program yet because the ICC is not certain that we cannot come up with our 40%, so until they see more money in that line item, we will not be accepted. Supervisor Ahle wondered if the County

wouldn't be more involved with the road. Judge specified that is an O'Fallon Township road right now. Ahle stated that why not wait and let the City or County annex the road and have them do the improvements. Judge agreed that could happen in the future. Ahle wonders why the Township is going to set aside 6 years worth of budget for just the bridge. Commissioner Peach said it also includes a mile of road. Ahle questioned why we are doing the road from Highway 50 all the way down to the bridge. Peach because of site distance he has to do that to qualify. Ahle summarized that now the Township is going to replace all of Rieder Road. Peach said there is another phase to finish the balance of it. Ahle said there is \$600,000 budgeted, increase it by \$300,000 to budget the \$600,000, and for the amount needed for just the bridge portion, it will take 6 years of saving and leaving no money for anything else. Peach said he spoke with the auditor the other day and he told her that the road district is in good enough shape after the Borchers' project is done; there are no other roads that need work. Peach also stated that if the road district doesn't show some effort and there is an accident under that bridge, a lawsuit could cost us big bucks. Trustee Joseph pointed out that if the road district doesn't get the funding, a big portion of engineering money has been spent for nothing. Peach said if anybody else were to take over the project, the engineering will still be good.

Trustee Glenn Loyet wanted to point out from the minutes of the last Supervisor's meeting, the associates from Kaskaskia Engineering Group did a traffic study on the road and stated that even with the bridge the way it is now, 2 lanes is enough to sustain that road for the next 20 years. A brief discussion followed. Judge stated that he does not know what was said at the last meeting, but when Peach and himself spoke with County Engineers Jim Fields and Tom Holdner, they wanted to establish to make sure the bridge will wide enough for the number of lanes needed now and in the future. Judge pointed out that it is not his place to say what the Road District should or shouldn't do. Ahle wanted to know if Shiloh-Valley Township was taking on any part of the project that is in there jurisdiction. Judge stated he had no idea, since they don't have a relationship with them.

Trustee Hursey spoke about the last Supervisors meeting and what the associates from Kaskaskia Engineering Group said. In all their years working either with IDOT or the County, neither associate has ever heard of a Township in Illinois ever taking on such an enormous and expensive project. Hursey also pointed out that no blame is being put on Judge or Gonzalez Companies, but the board is just questioning whether they should even be doing any of this. Trustee Bevirt brought up the fact that Steve Ficker attended that same meeting that Bevirt did where it was stated that Rieder Road is sufficient until the year 2035. Bevirt continued to say that of course the County is giving the go ahead because they won't have to spend their money or funds. But if the road district lets it go, eventually the City or County will take the road and proceed with the improvements needed. It was also stated that the City and County have access to much more to funding than the Township does. A brief discussion followed.

Town Clerk David Witter also attended the meeting at Mid America Airport and read from the minutes of the previous meeting and stated that the whole interchange project is really geared to get another more secure entrance into Scott Air Force Base. The part of Rieder Road that belongs to O'Fallon Township is not affected at present time or in the near future. Judge said he has been in contact with the City Engineers and getting a different reading from their studies. Ahle wants to have them come and speak to the board and get their input too. Judge referred Ahle to Ted Sheckel with the City of O'Fallon who hired CBB Engineering. Ahle finds it just unbelievable that 2 different engineering firms can have such different opinions about Rieder Road.

Trustee Joseph questioned why in previous meetings, somebody stated that the Township is doing all of the engineering work on Rieder Road and Tom Holdner from St. Clair County was not even aware of plans to do work had even begun, and also wondered why the Township was starting this project. Attendee Doug Scott said he was the one who spoke with Tom Holdner. Scott reconfirmed that St. Clair County acted surprised that O'Fallon Township had started on the road and bridge project. Scott said after he mentioned this, somebody must have contacted St. Clair County and then the sent a letter to the Township which Scott received a copy. A brief discussion followed.

Supervisor Ahle asked the board if they had any other questions for Pat Judge. Judge once again stated that he cannot explain the discrepancies between the City's traffic engineers and the County's. Judge did not have anything to do with it and thinks maybe the Township should contact, or meet with the City and get their perspectives. As far as the question whether the Township or the County should be doing this project, Judge said that's for the Township to decide. Trustee Loyet commented on the bill presented for approval in the amount of \$35,712.37 to Gonzalez Companies for work on Rieder Road. Loyet feels that the work should stop, and even questioned approving the payment. Supervisor Ahle agreed with the idea of stepping back and rethinking the whole idea of taking on such a big and costly project until they have a better view of what is actually going to happen with this road. Ahle did say they really cannot hold up the payment to Gonzalez for work already done. It was brought up that the bill being paid at this meeting is for work up to April 15<sup>th</sup>. There will be more bills coming in for any work done from April 15<sup>th</sup> to present. A discussion followed.

Trustee Hursey asked how does the board proceed to prevent anymore work being done on Rieder Road, a special hearing or what? Hursey said himself, and he's heard the rest of the board express concern about whether or not the Township should even be jumping into this project. Hursey said that he was all for this project going through, but since hearing from the engineers at Kaskaskia Engineering, he really thinks this project needs to be looked at again. Supervisor Ahle agreed. Clerk Witter said that Kaskaskia and the County refer to Rieder as a "rural collector road" which will then go to a "minor arterial road" due to volume increase and then the County or the City will take it over. Pat Judge agreed that 20 years from now, the township won't own the road. Hursey commented it could be even sooner. Judge agreed the cities and counties have much more funds available to them than townships. More discussion followed with regards to funding.

Supervisor Ahle expressed to Commissioner Peach that right now, the money in the Rieder Road line item is there, and if Peach wants to use it, go for it, but next year's budget might be a little different if the board has anything to do with it. More discussion followed. Ahle asked the board if they feel the same way he does about holding off on the project until more information is received. Trustee Jeff Bevirt agreed and suggested that Peach speak with the Kaskaskia Engineering and listen to what they have to say in order to help him make some decisions. Trustee Kenneth Joseph believes all work should halt on any future spending until the board can find out where this is headed. Trustee Glenn Loyet feels that if the board believes money, even if budgeted, is being spent frivolously by the road district, the board should not approve payments on said bills. Trustee Gary Hursey personally believes that Commissioner Peach is out of control. He thinks a project this big, should be intergovernmental granted, and possibly get together with both the City and County and collectively come together on the project. Hursey said he is still in favor of this project, but if the Township spends all this money on engineering and is unable to get funding, the board will look like a bunch of idiots. A project of this magnitude may very well not belong in the Township's hands. Commissioner Peach asked Judge if he thought it would be possible to get together with the County and City about this. Judge

said he has seen it happen before where separate entities come together and collaborate on a large regional project. Trustee Bevirt told Peach that since the meeting at Mid-America in April and the Supervisor's meeting on June 6<sup>th</sup>, the interchange project has been approved for funding and is moving forward. With that said, if funding to improve Rieder Road goes through, there would also be grant money for engineering fees. Peach again states that you can't get funding until the engineering is done. Bevirt disagreed with Peach and said the way he understood it, is if the project is approved, there will be money for engineering. Hursey also disagreed with Peach's comment and said the County and Kaskaskia Engineering stated this is not necessarily the case.

Supervisor Ahle reemphasized his point that the money Peach has in the road district budget, and the money he will have to put into the budget for the next six years, without any cost overruns (everything running smoothly unlike Borchers Lane), there will not be any money in the road district for anything else without raising more money from the tax payers. Peach spoke about the Vincennes Trail Road project that originally began as a road district project. In the middle of the project that County came in and took over the project in order to receive federal funding. The board all agree that this is what should be done now with Rieder.

Supervisor Ahle asked the attendees if they had any questions or comments about Borchers Lane or Rieder Road for Pat Judge. Mr. Syd Spengler who is a resident of Borchers Lane asked what the status of the Borchers project was at. He said it has been sitting for a week and half with no work being done on it. Peach said he spoke with Scott from Rite-Way and he was going to contact Christ Brothers Asphalt to see when they were coming out to blacktop the road to finish it up. Peach said according to Christ, the project will be completed in two days possibly starting on Friday June 22<sup>nd</sup>. Hursey asked a question about a bill to Christ Brothers and wanted to know what it was for. Peach explained Christ did some patch up work on Bowler Road.

Supervisor Ahle thanked Pat Judge for taking the time to come out and speak with the board. Judge excused himself at 8:06 P.M.

#### NEW BUSINESS

Commissioner Peach said he met with Ameren IP regarding some dead trees along township roads that could be a problem. Peach said he told Ameren that if a storm would knock any of the trees mentioned over, it could cause power outages for the township residents. Peach said after some discussion, Ameren has cut the trees back in accordance to their guidelines so hopefully there will not be any problems. A brief discussion followed.

#### READING AND APPROVAL OF HIGHWAY COMMISSIONER'S BILLS

Permanent Road Fund	\$	198,399.69
Road & Bridge Fund	\$	14,465.97

Highway Commissioner Peach asked if anybody had any question about the Road District bills. Trustee Loyet made mention of a \$119,443.14 payment to Rite-Way Excavating. Trustee Hursey

asked Peach if it would be feasible to possibly put a 60 day moratorium on Rieder Road. Peach said that anything is possible. Peach said he would like to meet with the City and County to get their input and go from there. The board is all in agreement with talking to the City and County and possibly getting help from them. Supervisor Ahle agrees too, but he is also concerned with any contracts Peach has signed with Gonzalez Companies. Ahle stated that he doesn't know what the content or stipulations of these contracts consist of. Peach directed that question to Township Attorney Cory Easton. Easton said he has not looked at the contracts searching for an "out", but he thinks that the road district does enough business with them that they would work with the road district in lieu of future work. Trustee Joseph reminded the board that there is still going to be bills coming in for whatever work done from April 15<sup>th</sup> to present. More discussion followed.

Highway Commissioner Peach dispensed with the reading of the Road District Bills.

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

Commissioner Peach asked Supervisor Ahle if he thought it might help out if Peach asked Jim Fields from St. Clair County Highway Department to come to a meeting. Of course, all the board was in agreement with this. Trustee Bevirt said Fields was at the April 24<sup>th</sup> meeting too. Trustee Hursey thought it would be great for Mr. Fields to come out, but he reminded Peach that the County is behind whatever the road district does because its Township dollars that are being spent and not their money. Supervisor Ahle told Peach to do what he can to make this happen.

#### PUBLIC INPUT

Douglas Scott wanted to state that he attended the Supervisor's meeting on June 6<sup>th</sup> and what the ladies from Kaskaskia Engineering said they have only seen funding from the ICC for grade crossings. The railroad bridge is not a problem, and the single lane road underneath the bridge is not the railroad's problem.

#### ADJOURNMENT

A motion was made by Trustee Jeff Bevirt to adjourn the Highway Commissioner's meeting and seconded by Trustee Kenneth Joseph. Motion Carried.

Meeting adjourned at 8:15 P.M.

Respectfully submitted by:

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David M. Witter  
Town Clerk