

HIGHWAY COMMISSIONER'S MEETING

May 16, 2012
O'Fallon Township
801 E. State St.
O'Fallon, IL 62269

CALL TO ORDER at 7:02 P.M.

ROLL CALL

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

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

Township Attorney Cory Easton arrived at 7:08 P.M.

Others present: Douglas Scott and Gary Fohne.

APPROVAL OF PREVIOUS MEETING MINUTES

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

HIGHWAY COMMISSIONER'S REPORT

Highway Commissioner Peach stated the Road District had done the following during the period of April 19th, 2012 to May 16th, 2012:

- ☆ Mowed weeds and did weed eating
- ☆ Picked up trash
- ☆ Cleaned mud off roads and cleaned culverts out after hail storm on Saturday April 28th, 2012
- ☆ Replaced cross culverts on Hubert Lane and extended 2 (two) driveway culverts
- ☆ Cleaned blockage out ditch on Albers Road
- ☆ Removed 3 (three) dead trees on Bowler Road
- ☆ Replaced 10 (ten) various Road signs
- ☆ Stored 2 (two) snow plows and v-boxes

UNFINISHED BUSINESS

Commissioner Peach stated that Borchers Lane is moving right along with approximately 55% completed. Storm drains are in and the contractors have been pouring curbing. There were some delays with broken equipment but still moving along.

Trustee Gary Hursey asked Peach why the representatives from Rite-Way Construction were not present for the meeting to answer questions from the board. Peach said he spoke with them this morning and all was confirmed for them to come this evening. At 4:30 P.M. Peach got a call from Rite-Way stating they were still on a job and doubt they would be able to make tonight's meeting. They said they would be more than happy to be at the next Highway Commissioner's meeting.

Trustee Hursey wanted to address the amount of money already paid out to Rite-Way Construction. Hursey said they already have been paid \$251,000 and are being paid \$11,891.07 on tonight's bills to be approved. Hursey feels the board is still up in the air as to why this is costing so much more. Supervisor Gary Ahle asked Peach about the one change order for \$84,638.63 where the road had to be moved because of property lines that had not been surveyed. Peach spoke about materials listed on a change order, but really did not answer the question. Ahle said he questioned Steve Ficker from Gonzalez Companies last month about this and he confirmed it. Ahle stated that this change order should not be on the contractor but on the engineer or the architect. Trustee Hursey said that with this expense, he believes the board should be able to see an accounting of materials and labor for this particular change order. Hursey's question is who is making these decisions that have put this job \$150,000 over the original bid. Peach said it is not that much. Hursey said it is written in last month's minutes and Trustee Kenneth Joseph concurred. Peach continued to say that the amount written in the minutes is incorrect. Hursey said it was his understanding from last month's meeting, the project was going to be \$150,000 or more over budget and the board does not have an account of this. Peach said Steve Ficker from Gonzalez Companies was suppose to supply him with the cost figures for the curbing, the asphalt, the back filling for the curbs and the seeding but, Peach said he has not received these figures. Peach than said the second phase of the project will probably come in at or close to \$300,000 which will be \$61,041.59 over the original bid of \$238,958.41 on phase II. More discussion followed about the original bid and where the amount is now (whether phase I, phase II or combined total). Per Hursey, the job is running approximately \$150,000 over with no realistic accounting to look at and a road that had moved because someone did not follow through with surveying to locate the property pins. Township attorney Cory Easton stated to the board he does not feel he can comment on this at this time. Easton stated the board can vote on and request an audit if they want. He thinks the board should wait until the contractor, engineer, architect, etc. are all here to answer questions and, possibly clear up any confusion with regards to the overages. More discussion followed.

Peach did mention he thinks towards the end of the project, estimates that were over-figured will be deducted (i.e. tree removal), which could come down approximately \$30,000. Supervisor Ahle said to Peach at the last meeting, Ahle asked Ficker with the original bid from Rite-Way Construction of 454,303.50 and all of the change orders, the project is now over approximately \$150,000 over and Ficker confirmed this. Peach's response is, "change orders do not count against the bid price. Change orders are beyond the bid price". Attorney Easton added that unless there was a lack of foresight on the bid which is not on the Road Commissioner. Trustee

Hursey wants to know who is creating change orders and why. Trustee Kenneth Joseph added that it looks to him that engineering messed up. Peach said it all comes back on his shoulders.

Hursey asked if Peach creates the change orders. Peach responded he doesn't create them, he makes the decision. Hursey again stated, they have a project originally set for approximately a half a million dollars and it is now \$100,000 - \$150,000 over the budget. Hursey said change orders are a game, sometimes legitimate, other times not. Hursey stated he is not satisfied with what he is hearing. His position is we're being taken or somebody is not doing their job and it is costing the taxpayers \$100,000. Trustee Joseph stated it's costing \$85,000 just for the missing survey pins. The board is responsible for auditing and approving bills. Hursey feels he cannot approve any more bills until they speak with the contractor or do an audit. This should have been planned out better ahead of time, or looked at the other higher bids received and looked into them better and maybe saved that additional \$84,638.63 to move the road. According to Peach, "regardless of who would've got the bid, the same thing would've happened. It didn't make any difference who the contractor would've been". Hursey responded we don't know that without finding out. Peach brought up changes done when he worked on Seven Hills Road. A brief discussion followed.

Supervisor Ahle told Peach that it is not him; Ahle just cannot understand why there was such a big difference in the bids received. Secondly, \$80,000 - \$85,000 to move a road 2 feet, the board believes that it's the engineer's fault. Peach said he went with the engineer to the courthouse and the plattes were the same as what Peach had. Ahle commented that it still was not surveyed. Peach continued that he and the engineer then went to the County Highway Department and they didn't have any records. Once they started on the project, property owners came out and showed Peach and the engineer their deeds indicating where the property lines were. Hursey said this was discussed at the last meeting, if somebody would have just performed a basic survey, they would know where the property lines were. Hursey commented that a large sum of money was spent on engineering and bids, and nobody did a survey. Hursey also pointed out that after spending a \$1,000,000 on engineering with Gonzalez and things are screwed up on such a small project, what lies ahead with Rieder Road? Peach added that they also had to build up the embankment on one side of the road approximately 40 feet which added more material. Hursey again said who is at fault with these change orders? Peach said he contacted Pat Judge with Gonzalez Companies to express his disappointment on how the project was going. He said he was unable to cross reference the bills with what the bid was because of the changes done and the additional costs. Attorney Cory Easton advised Peach to wait and let both the contractors and engineers address all these concerns the board has. A discussion followed. It was brought up how much has been paid out to the contractors. Deputy Clerk Debbie Allsup said including tonight's bills the total paid is \$379,678.35. Peach said something's wrong. Peach started by saying that amount was way over the bid amount. Allsup told Peach she is looking at the whole project not only the second phase or fiscal year. A brief discussion followed. Hursey board feels that the project should not be paid off until they can figure out who is at fault. Trustee Glenn Loyet suggested that payments should stop when we reach the bid amount of \$454,303.50. Easton said he wants all the contracts so he can go over them to see if there's an arbitration or mediation clause. Easton and Ahle both said they do not want another lawsuit like the Cox case. Easton wants to mediate this so it does not go to litigation. Hursey said he just wants to address this before all the money is paid out.

Ahle summed up by saying he doesn't see how all of this can be on the contractor or Peach. If something's wrong out there, it was planned incorrectly. A brief discussion followed. Easton again advised Peach to not try and explain for the contractor and engineers. He should let them be here and explain themselves. Trustee Kenneth Joseph said he was never satisfied with Steve Ficker's explanation at the last meeting regarding all the change orders. Peach then stated to the board that when they did survey in order to move the road, Peach suggested they use Nettemeyer instead of HM & G because they are cheaper. Nettemeyer surveyed the road for \$2,100. More discussion followed. Ahle advised everybody to be at the next Highway Commissioner's Meeting on June 20th. Trustee Loyet requested a print out at the next meeting showing all costs of engineering on Borchers's. He said \$397,678.35 has been paid to the contractor, but that does not include engineering costs. Peach added the cost of compaction tests that were performed and an inspector that came out 3 times a day to perform these tests. Peach said after they were past a certain point, he informed Steve Ficker he didn't feel they needed the tests performed any longer or the inspector to come out.

NEW BUSINESS

Commissioner Peach informed the board that Bowler Road has been milled and black topped on shoulders that were breaking up.

Peach said the new dump truck has a defective control box which prevents the bed from rising. He is now waiting for the new part to come in.

Peach said the yearly Stormwater report is prepared, signed and turned in.

Ameren IP contacted Peach regarding the gas line for Old Vincennes Trail Road, over to Borchers's Lane, to Quarry Road and ending up at the asphalt plant. Peach said he informed Ameren IP that area of Borchers Lane was the city's and that Quarry Road is in O'Fallon Township, so he should be receiving a written request to bore under Quarry Road for the new gas line.

READING AND APPROVAL OF HIGHWAY COMMISSIONER'S BILLS

Permanent Road Fund	\$	15,467.76
Road & Bridge Fund	\$	27,133.40

Highway Commissioner Peach asked if anybody had any question about the Road District bills. The only bill mentioned was the \$11,891.07 to the contractor for Borchers's Lane. Trustee Hursey stated they should approve that one this time, but really need to look into the project more before paying any more.

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 Supervisor Gary Ahle. Roll Call: G. Loyet - aye; Ahle - aye; K. Joseph - aye; G. Hursey - aye. Motion carried.

PUBLIC INPUT

Douglas Scott said there should have been a schedule of values on the Borchers Lane project. The contractor should be able to provide the board with a breakdown of all materials and labor costs to justify \$84,638.63. The engineer will have to authorize this amount. Scott also said the engineers should be responsible. Peach said the other thing that went over was the amount of rock used for backfilling over the drains because it was so deep. They had to dig it wider in order to get the safety cage down there. Instead of a 4 foot ditch, it was about 9 feet wide on the top and tapered down. Ahle asked Peach where all the fill came from. Peach said it was from where they dug out for the storm drains and the road banks. Town Clerk David Witter said last month Scott commented there should be an itemized list of materials, labor, etc. for the board to view how the money is being spent and Steve Ficker said he would get that and to date, still hasn't. Peach said he asked for it the other day and was told they would get it to him.

Scott also asked Peach about the gas line Ameren IP wants to run. Peach said it will start on the east end of Vincennes Trail, go under Scott-Troy Road, under Borchers Lane, down Quarry and Highway 50. Scott offered to Peach that next time he speaks with Ameren IP, the residents on Borchers Lane are very interested in getting natural gas. Scott said he figured it wouldn't hurt to mention this to Ameren. A discussion followed.

ADJOURNMENT

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

Meeting adjourned at 7:48 P.M.

Respectfully submitted by:

David M. Witter
Town Clerk