

MEETING OF THE BOARD OF TRUSTEES

February 20, 2013
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 Road Commissioner William Peach, Town Clerk David M. Witter, Trustees: Jeff Bevirt and Kenneth Joseph, Township Attorney Cory Easton, Deputy Town Clerk/Recorder Debbie Allsup and General Assistant Administrator/Recorder Sheri Heil.

Others present: Steve Ficker, Douglas Scott, Gary Fohne, Mark Downs, Rick Henderson, Martin Ercoline, Sr. and Gerard Helldoerfer

A motion was made by Trustee Jeff Bevirt to excuse Trustees Glenn Loyet and Gary Hursey and seconded by Trustee Kenneth Joseph. Motion Carried.

APPROVAL OF MINUTES OF FEBRUARY 6TH MEETING

A motion was made by Trustee Kenny Joseph to approve the minutes of the February 6th meeting as presented and seconded by Trustee Jeff Bevirt. Motion Carried.

SUPERVISOR'S REPORT

Correspondence received from Melroy Hutnick representing Highway Commissioner Bill Peach requesting records. Trustee Jeff Bevirt asked if the request has been completed. Deputy Clerk Debbie Allsup said it has. Supervisor Ahle said it was fairly large, consuming quite a bit. Town Clerk David Witter added that this request dated February 8th, 2013 states that a request for documents originally dated January 11th, 2013 was sent, but never received by the Township. The letter received in this office dated January 11th, 2013 was in reference to a different topic and not a document request. A brief discussion followed.

With regards to the tentative Budget & Appropriation Ordinance for the Town Fund and General Assistance Fund being prepared, Supervisor Ahle stated since the administrators have been working on the FOIA request for Attorney Melroy Hutnick, Ahle suggested when the tentative budget is complete, mail it to the board so they can look it over and discuss at the next meeting. The board agreed.

Ahle told the board the large mural on the wall in the small part of the hall has been removed. Painting has begun on the bathrooms and eventually the hall will be painted.

APPROVAL OF SUPERVISORS BILLS

Town Fund	\$	9,993.57
General Assistance Fund	\$	908.01

Trustee Jeff Bevirt made a motion to authorize the payment of the Supervisor’s bills be paid accordingly and seconded by Trustee Kenny Joseph. Roll Call: Bevirt – aye; Ahle – aye; Joseph – aye. Motion Carried.

HIGHWAY COMMISSIONER’S REPORT

Highway Commissioner Bill Peach turned the floor over to Steve Ficker from Gonzalez Companies to update the board on the Rieder Road project. Ficker started off with the SCI Engineering report on its Cultural Resource Survey. This is required by Illinois Historical Preservation Agency which is one of the steps for approval prior to any State or Federal funding. The survey revealed the presence of an isolated prehistoric artifact which Ficker described as a piece of a clay bowl. According to the report, based on the location of this piece, it is believed that no further archaeological investigation is warranted.

The next report Ficker touched on is a Geotechnical Exploration from Quality Testing and Engineering, Inc. preliminary soil borings for the road and bike path. There were 20 borings for the length of Rieder Road and an analysis of each boring.

Specifications were provided for the current roadway alignment and cross-sections for the proposed road that will be going in. The last set of specifications from Transystems Corp., pertain to the location of the new Railroad Bridge.

Ficker said his firm has been doing traffic analysis with actual counts of how many cars turn on/off US Highway 50 on to Rieder Road, how many turn on/off Rieder on to Hwy. 50. Ficker said that is their basis for projecting traffic. The standard puts them at 2035. So they can project what the traffic will be at the new interchange based off some of the numbers provided to them by the interchange design.

Ficker said they are in the process of working on the intersection design study to determine whether or not; a signal is needed based on the number of cars coming in either direction. They are working on drainage; pipe size and placement of pipes to account for the 2 creeks that cross Rieder Road.

On the Railroad design; they have been working to refine the temporary by-pass because there is a lot of dirt that needs to be hauled in. Ficker they are trying to make a ‘best fit’ to minimize the amount of dirt to add that will eventually be taken back out. Another piece of the Railroad design is the preliminary engineering agreement submitted by CSX Railroad. Basically, they require the Township to pay to hire a third party to review Gonzalez’s plans on behalf of CSX Railroad. The original agreement was submitted and reviewed by Township Attorney Cory Easton. After some recommendations for changes, CSX did approve those changes which included; arbitration clause and governing jurisdiction. After a brief discussion, Highway Commissioner Peach reminded the board the cost for this project was estimated at \$25,058.00. More discussion followed. Supervisor Ahle asked Ficker if the

new agreement with the recommended changes has been received. Ficker said he received it and would send the amended agreement over. Ahle expressed to Ficker he would want to wait on something like that until the whole board of trustees is present. More discussion followed pertaining to the fact that the Township has to pay for a third party engineering firm on behalf of the Railroad. Ficker said this procedure comes down to their railroad track works just fine, it is an outside entity wanting to make changes which in turn affects the railroad tracks so we have to bear the cost.

Trustee Kenny Joseph asked Ficker how much of the engineering is completed. Ficker said they are now in the 70% - 75% range of completion. Joseph asked how long it will take to get the last 25% - 30% completed and the cost. Ficker said they are working right now on getting extra funding towards the \$10 million discussed at previous meetings. Ficker stated it's not definite when they will find the type of funding needed for this particular project. It could take a month, 6 months or more. However, this remaining budget is part of the 5 year plan with IDOT funding. Ficker explained, you get on IDOT's waiting list and it is usually 4 years before you get funding. Trustee Bevirt asked when we got on the list. Ficker said we are not there yet, but getting ready to be on the list. Ficker continued that they submitted for the IDOT funding last year and were denied on the list. Trustee Bevirt asked if the movement for the new overpass for Interstate 64 push up funding possibilities for this project. Ficker said he cannot confirm, but he would certainly think that would. It was discussed about how all the planning and engineering has to be in place first before they can apply for funds. Ficker said they applied for ICC Funding and were denied. The reason for this is because the plans were not far enough along at that point, and ICC was not assured we had the funding in place to cover our match. Ficker continued that ICC percentage ratio is 80% - 20%, so they have to make sure that we are able to reserve funding from somewhere else or, setting aside a substantial amount to show we are committed to acquiring our share of 20% before they put us on their list. Trustee Joseph asked where we stand with ICC right now. Ficker said as soon as we can prove we are committed financially to this and either; find other sources for the match or, using Township dollars, setting aside this money in a fund to show ICC we are financially committed to this project. Supervisor Ahle if they look at how much money we have already spent on engineering. Ficker said engineering does not count. ICC's only concern is the match on construction. Town Clerk Witter said he thought when Pat Judge spoke to the board, ICC's percentage ratio is 60% - 40% and IDOT's portion is 80% - 20%. Supervisor Ahle asked Ficker what number they have to come up with. Ficker said the amount needed is 40 % of the \$4 - \$5 million for the bridge. Ahle asked Ficker does the Road District show the ICC they have the \$2 million saved up. Ficker said as long as they make up a Resolution of some sort or, set aside so much each year to show a significant amount is being put away towards this project. This will prove to the ICC that the Road District is committed to this project. This should then get the Road District on the list. From there, it's 4 years to get the funds. Ficker said Pat Judge is also looking for additional funding to possibly help us towards our \$2 million goal. Road Commissioner Peach said the Railroad may possibly come up with 5% - 10%. Peach added they're not going to say or do anything until the plans are in place. Ficker added the preliminary engineering agreement needs to get signed. Ahle said we have to pay the Railroad \$25,000 for the preliminary engineering on the Railroad Bridge, and they may or may not contribute 5% or 10%. Ficker said when Gonzalez met with ICC they said it may be possible that CSX will provide some funding. A brief discussion followed. Trustee Joseph said it is his understanding that nothing more can be done until the \$25,058 is paid to CSX for engineering costs. Supervisor Ahle said if the board approves it, but it is not going to be done this evening with 2 board members absent. Also, they have not received the new contract since the changes suggested by Attorney Easton.

Trustee Bevirt asked Ficker besides Pat Judge looking for additional funding, what else is needed on the engineering side to make up the 25% Ficker said earlier is left to do. Ficker said at present, they have a preliminary track design which now will go into further structural design. Also needed to finish is drainage, pavement design, profile and alignment of the road, the bypass is still quite preliminary. Ficker said they have to do the intersection design study which is required for any IDOT funding. The bulk of the plans are done and can be submitted to IDOT and then wrapping up what has been started. Trustee Joseph asked if the temporary railroad bridge will be grade-level or elevated. Ficker said it will be elevated. He said they are going to shut Rieder Road for a time until the new bridge is in. It is cheaper than building 2 bridges. Trustee Bevirt asked if the signed contracts with Gonzalez will take the project through 100%, or will more contracts need to be signed. Ficker said it should take it through 100%. They've diverted routes to look for more funding, and in pursuing this funding, the scope has changed. Pat Judge has been working with the contractors and would probably have a better idea. Supervisor Ahle asked Ficker if he would ask Judge to look into it.

Highway Commissioner Peach stated the Road District had done the following during the period of December 20, 2012 through January 16, 2013:

- ☆ Received 2 bids on the Country Village project: L & W Contractors got the contract for \$53,243.45. The other bid submitted was from Prado Construction for \$63,115.21
- ☆ Peach said he attended a stormwater meeting on Tuesday February 19th in Shiloh. Peach touched on the Enforcement Orders regarding a City being fined for not being in compliance with permits
- ☆ December 20th, 2012; cleared tree and limbs that was down on the road
- ☆ December 27th, 2012; cut and chipped all limbs on Township roads.
- ☆ December 20th, 2012; salted all bridges
- ☆ December 28th, 29th, 31st, January 2nd and 7th; salted and cindered all slick spots on roads
- ☆ January 12th, 13th and 14th; stockpiled chips Richwood School Road for oiling
- ☆ January 10th; received 75 ton of salt from the City in accordance with snow removal agreement
- ☆ Place millings by mailboxes and along roads where needed
- ☆ Picked up trash and cleaned culverts and ditches
- ☆ February 2nd and 3rd; plowed snow

Peach wanted to address a question brought up at a previous meeting with regards to the Road District levy. Trustee Bevirt asked if he would hold off on the topic until the rest of the board is present. Peach agreed. Supervisor Ahle asked Peach if he would attend the next Trustees' meeting on March 6th. Peach said he would attend. Bevirt said there was also a question or two for Peach with regard to the financial report from the auditors.

APPROVAL OF HIGHWAY COMMISSIONER'S BILLS

Permanent Road Fund	\$	100,223.09
Road & Bridge Fund	\$	6,854.46

Trustee Kenny Joseph commented about the bills being presented for payment are the same ones that the board had questions about. One payment for Gonzalez Companies in the amount of \$98,723.09 and the other for RJN Group for \$1,500.00. Peach said the \$1,500 for RJN is for the stormwater educational aspect. Peach said we have to pay it. Trustee Bevirt asked Peach about making a payment to Gonzalez Companies for stormwater too. Peach said that has nothing to do with the payment to RJN Group, its separate altogether. Joseph asked Peach what makes it separate. Peach said the fact there is an agreement with Gonzalez to go to the meetings and cover everything to do with stormwater that Peach would normally do. Peach said they help him make out his reports and they redesigned the storm water plan for the Township property. Eventually Peach said he will be forced into green Space and Gonzalez will keep him informed of anything going on there for rainwater green space run-off. Ahle asked Peach if he has a contract with Gonzalez and will this be for each year. Ahle asked Peach what was once \$1,500 per year with just RJN Group is now going to be over \$16,500 with Gonzalez. Peach said Ahle is putting the 2 together. Ahle said both payments involve the storm water project. Peach said Gonzalez is separate from RJN Group. With Gonzalez being an engineering firm, they are knowledgeable in this to know what needs to be done to stay in compliance. Ficker stated what RJN Group does is they have combined numerous townships and municipalities in the area to be the administrator for this program. They check up on new requirements and updates, what changes have been made to the applications and they provide that information to Peach. Ficker said if Peach did not want to go to RJN, he could do it himself or have Gonzalez do it independently. What RJN has all these groups so they look it up once and disburse it out. The fee is significantly less doing it this way. RJN keeps everybody up to code on the storm water changes. What Gonzalez did for Peach last year was complete the forms, track all the paperwork that needed to be tracked based off what RJN told them needed to be done. The other aspect of that is that the storm water plan requires you to update your Storm Water Pollution Prevention Plan (SWPPP). Anything stockpiled on the property such as fuel tanks or any possible environmental hazards have to be tracked and monitored. If there is a spill where will the spill go? Monitoring run-off from the property. These are things that Gonzalez updated last year. Ficker estimated \$7,500 was for helping with paper work and coordinating with RJN and completing the packet. The other \$7,500 was to update the SWPPP. Ahle asked what the fee would be for the next year. Ficker estimated it should be \$7,500 each year. Ahle summed up the annual cost for all storm water projects is \$10,000. Trustee Joseph asked if all the townships are going to be paying this much for the storm water. Ficker said that a lot of townships pay RJN but is not mandatory to have an engineering firm involved. Ficker said Gonzalez helps to take the load off Peach help make sure that everything is in compliance. Ahle asked Ficker if Gonzalez does any other townships. Ficker said not at this time. Peach said the City gets help from an engineering firm. Ficker said they have in-house engineers plus assistance from Rhutasel & Associates or Oats Associates. Peach said it is a mandate which he feels is ridiculous. All of these things are required but there is no funding to assist, and if you are not in compliance, the penalty fees are costly.

Trustee Bevirt asked if the \$1,500 payment submitted by Peach for RJN is an annual payment. Peach said it is and that later on there will be a payment in the amount of \$1,000 to the Illinois Environmental Protection Agency (IEPA). Peach said they maps outlining the areas that is involved in this. Supervisor Ahle asked Peach if he has Gonzalez doing all this work, why have RJN do it also. Peach responded that RJN doesn't do anything. Ahle asked Ficker why Peach is paying RJN. Ficker said RJN helps Gonzalez coordinate between themselves and the IEPA. Instead of all these townships paying individual engineers and research what changes have been done, coordinating the changes with the IEPA, coordinating the permit submittals, RJN coordinates jointly between Gonzalez and the IEPA. Ficker said it is not mandatory for Peach to have Gonzalez. Ficker did say they could do the research independently that RJN does but it would probably cost more than the \$1,500 RJN charges. RJN does this research once and then disburses this information out to 8 different municipalities or townships and charging their fee between all of these entities. Peach said it is just like any other contract, they got the contract to take and manage this and then the township does all the paperwork and upkeep. Peach said he doesn't have any choice. Ahle is not disputing the work having to be done. Ahle asked if the other township in St. Clair County that are affected by this, are they paying this kind of money for the storm water. Ficker said he doesn't know if these townships involved have a consultant to come in and help. Regardless if they do or don't, they are still dedicating the man hours to do it. So, it may not be a direct cost out of pocket, but their labor is spent completing these tasks. Trustee Joseph asked how many townships in St. Clair County are required to participate in this project. Peach said besides O'Fallon, there's; Caseyville, Centreville and Millstadt. Ahle asked Ficker if he thinks that Millstadt is spending \$10,000 on their storm water project. Ficker said RJN handles 8 municipalities including Millstadt. Whether Millstadt does their own paper work in completing the permits or contract it out, he does not know. He does know that the City of O'Fallon does contract it. Trustee Joseph said Caseyville is in it, what about Lebanon? Peach said Lebanon is not in the borders mapped out. Ahle said Shiloh Township is not in it either. Peach said the township isn't in it but the City is. Ahle said Shiloh Township got out of it because of population. Ficker said population will not count O'Fallon Township out because we are within close proximity to a large metropolitan area, so regardless of our population our proximity puts us in. Peach added they have their borders and if you're in those borders, you have to comply. Joseph said he understands the population thing now.

Ahle asked the board if they wanted to question the other bill that was tabled at the last meeting. Ahle added that the 2 board members are absent that he thinks had questions about it. Trustee Joseph said he has it marked and he is still is not satisfied that they have to double pay or, it looks like a double payment. Peach said he agrees but you can't walk away from mandates. Peach said he thought the question came up if the \$25,000 for CSX was included in the payment submitted for Gonzalez in the amount of \$98,723.09 and it was not. Ficker said the payment for CSX has to come directly from the municipality involved. Ahle said another question that came up was there were 2 invoices with the same invoice number but 2 different amounts. Ahle said there was 1 invoice with an amount of \$149,000. Peach said that was not presented with his bills. He said Deputy Recorder Debbie Allsup told him that she mistakenly had a first draft invoice (#2938) submitted by Gonzalez for \$149,920.90 attached to a second invoice with the same number (#2938) and the same date in the amount of \$98,723.09 (a difference of \$51,197.81). Peach said there was not enough money in the line item. When he started to do his figures, the payment for \$25,000 (check date 12/19/2013) to CSX was deducted from the line item but had been tabled for payment. If the \$25,000 had been credited back to the line item, there would be enough money to pay the

first invoice for \$149,920.90. Allsup asked Peach why he didn't bring this to her attention to credit the tabled payment back into the line item. Peach said he did not catch it until later on. Allsup asked when it was discovered. Peach said he caught it at a meeting with Gonzalez in the township conference room on February 5th. Allsup told Peach that was 2 weeks ago and he had plenty of opportunity to tell her to void that payment and credit the \$25,000 back into the line item. Peach said it was after the fact. Allsup said Peach comes into the office everyday and could have had this corrected before now. A brief discussion followed. Ahle said the question came from the absent board members that you have an invoice \$149,000 and you don't have enough money to pay it. Then all of sudden another invoice comes in and you got enough money in the budget to pay it. Ahle said that's the question. Ficker answered when he submitted the budget, that's where they are at on cost. Peach told Ficker there was enough money in the budget to pay it. If Gonzalez worked over what Peach told them they could work, then it needs to be approved for submittal on the new budget. Ahle said that is all the board is asking. Ahle asked if there are any other questions. Trustee Bevirt asked they will have to wait to pay the \$25,000 to CSX until there is money in the budget. Peach responded that it's tabled for right now. Ficker said he doesn't think that Peach officially submitted the \$149,000 invoice. The smaller of the 2 invoices was the one to be submitted for approval. A brief discussion followed pertaining to the board first seeing the new contract from CSX before any discussion of paying it.

Trustee Jeff Bevirt made a motion to authorize the bills of the Highway Road Commissioner's be paid accordingly and seconded by Trustee Kenneth Joseph. Roll Call: Bevirt - aye; Ahle - aye; Joseph - aye. Motion carried.

TOWN CLERK REPORT

Clerk David Witter reported he received a request of a Certificate of Insurance for Rite-Way Excavating. Witter said this request is coming from a company that is trying to contact Rite-Way about a claim cutting and AT & T wire. Peach responded that it was on Borchers Lane. Witter said the request was submitted by e-mail FOIA request. Witter said Peach provided him with the requested information and forwarded it on.

Another request was received from Diane Little for a lien waiver from L & W Contractors for the detention pond. Witter said neither Peach nor himself has that information. Steve Ficker from Gonzalez was contacted and he was able to get it signed so it could be forwarded to Ms. Little. Peach added that they don't give anybody lien waivers unless asked for, and it is not a usual practice to request them.

Witter said he received some more Board of Review notices he wanted to read off: Century Development, LLC in O'Fallon Township at 208 Erin Lee Street on Brookside Estates Condos for \$1.245 million and wanting relief. Another one is Locust Hills Village, LLC on College Rd. in Lebanon for \$1.495 million requesting relief too. This is scheduled to be reviewed on February 20th. Witter said he will forward any information to the board when he receives it.

TRUSTEES REPORT

Trustee Kenny Joseph wanted to back up on Road Commissioner Peach's report. The bids received for Country Village and the \$10,000 difference in the bids. Joseph said there was not

much said about it and asked Peach how much road distance is covered. Peach said mostly on the main street going into Country Village. The distance was not figured. All that was done was figuring up the patches that needed to be replaced. Peach said the patch job will be like what was done on Brookfield. Joseph asked if the road is concrete. Peach said it is all concrete. Joseph then asked Peach if the road district employees are going to have to do work on this project to cover some extra costs like they did on Borchers Lane. Peach said the road district may haul off some of the broken concrete because it can be used and save the cost on trucking. The broken concrete can be used on Simmons Road to build up the banks along the creek to keep from eroding onto township roads. Peach said it is like that on every project he has ever done. Joseph said not as much as like out on Borchers Lane when the contractor should have done some of it. Peach said the contractor only does what is included in his bid. Ahle asked Peach if Borchers Lane is finished. Peach said he has not received the last bill for the rip rap from Rite-Way. Ficker said the last invoice was submitted and the contractor installed more rip rap than the contract called for. Ficker called the contractor and told them they installed more without prior approval and needed to charge for the contracted amount and not what they installed. Ficker is still waiting on a new invoice from them. Ahle asked if that is just an invoice, or another change order. Ficker said it is the last invoice for \$729.46. A brief discussion followed.

SENIOR REPORT

No report.

YOUTH REPORT

Trustee Kenneth Joseph said the next meeting will be on Monday February 25th at 7:30 P.M. Trustee Bevirt said the Swim Party is scheduled at the YMCA on March 24th. Bevirt said he has the Fishing Derby scheduled on Saturday June 1st at the Sportsman Club.

PLANNING REPORT

No report.

AFTER PROM REPORT

Trustee Bevirt said things are moving along. Labels and letters are being made up to send out. He spoke with Jodi Seipp at O'Fallon High School and the prom is scheduled for April 27th and After Prom will be early morning on April 28th. There will basically be the same things as last year; bowling alley, magician, caricature artist, DJ and food. Supervisor Ahle said he has a call in to the Mayor of Shiloh for a donation and will continue to pursue it.

UNFINISHED BUSINESS

Discussion of the Annual Financial Report for the Fiscal Year Ending March 31, 2012 and Management Letter by Allison, Knapp & Siekmann, Ltd. Also a response to issues regarding the Road District Levy from the December 19th, 2012 meeting. Trustee Bevirt asked Peach if these topics could be tabled until the next meeting when the entire board is present. Bevirt said there were a couple questions that concern the road district and Peach needs to address.

Peach asked if questions are on the current audit. Bevirt said they are. Peach said he hasn't seen it. Deputy Clerk Debbie Allsup said that everybody got the audit at the same time. Peach said he hasn't been at the meetings for a while. Bevirt said the audits were handed out in December or earlier and showed the copy to Peach. Peach said he knows what they look like and exited the conference room to look for his copy. Clerk Witter said the audit letter is dated September 20, 2012. Peach returned with the copy he received when they were distributed. Ahle said the topics are being tabled until all board members and Peach can meet together. Ahle asked Peach if he would attend the Trustees meeting on March 6th. Peach said he would attend.

NEW BUSINESS

Approval of a hall rental submitted by Rick Edwards of O'Fallon Breakers for the purpose of registration on Saturday, April 20, 2013 and Saturday April 27, 2013 from 8:30 A.M. to 12:00 P.M.

Supervisor Gary Ahle made a motion to authorize the hall rental application submitted by Rick Edwards of O'Fallon Breakers and seconded by Trustee Kenny Joseph. Roll Call: Bevirt – aye; Ahle – aye; Joseph – aye. Motion carried.

Ahle said he just received a correspondence from Betty Osborn of the O'Fallon Veteran's Monument. Ahle said he will bring it up at the next Trustees meeting since it wasn't on the agenda.

PUBLIC INPUT

No report.

ADJOURNMENT

A motion was made by Trustee Kenneth Joseph to adjourn the meeting of the Board of Trustees seconded by Trustee Jeff Bevirt. Motion Carried.

The meeting adjourned at 8:06 P.M.

Respectfully submitted by:

David M. Witter
Town Clerk