



CHAMPAIGN COUNTY BOARD COMMITTEE AGENDA

HIGHWAY & TRANSPORTATION

Friday, March 10, 2006 – 9:00 a.m.

Lyle Shields Meeting Room, Brookens Administrative Center
1776 E. Washington – Urbana

CHAIR: Cowart

MEMBERS: Bensyl, Carter, Feinen, Gross, Jay, Langenheim, O'Connor, Weibel

AGENDA

	<u>AGENDA ITEM</u>	<u>PAGE NO.</u>
1.	<u>Call to Order</u>	
2.	<u>Approval of Agenda/Addendum</u>	
3.	<u>Approval of Minutes</u> – February 10, 2006	1-9
4.	<u>Public Participation</u>	
5.	<u>Monthly Reports</u>	
	A. County & Township Motor Fuel Tax Claims – February 2006	10-11
6.	<u>County Engineer</u>	
	A. State's Attorney opinion on funding uses	12-14
	B. Intergovernmental Agreement for Curtis Road	
	C. Staley Road Corridor Study	
	D. Windsor Road Intergovernmental Agreement	
7.	<u>Other Business</u>	
8.	<u>Determination of Consent Agenda Items</u>	
9.	<u>Adjournment</u>	

CHAMPAIGN COUNTY BOARD COMMITTEE MINUTES
HIGHWAY & TRANSPORTATION

February 10, 2006 – 9:00 a.m.
Lyle Shields Meeting Room
Brookens Administrative Center

MEMBERS PRESENT: Cowart (Chair), Bensyl, Carter, Feinen,
Gross, Jay, Langenheim, O'Connor

MEMBERS ABSENT: Weibel

OTHERS PRESENT: Jeff Blue, John Cooper, Debby Wagner (Highway
Department), Barb Wysocki (County Board Chair), Susan
McGrath (Office of the State's Attorney), Chris Doenitz
(County Board member)

Call to order

Chair Cowart called the meeting to order at 9:06 a.m. A roll call confirmed a quorum present.

Approval of Agenda/Addendum

MOTION by Langenheim to approve the agenda; seconded by Carter. There was no addendum for the meeting. **Motion carried.**

Approval of Minutes – December 16, 2005

MOTION by Jay to approve the minutes of December 16, 2005 as presented; seconded by Langenheim. **Motion carried.**

Public Participation

There was no public participation.

Monthly Reports

County & Motor Fuel Tax Claims – December 2005 & January 2006

MOTION by O'Connor to receive and place on file the County & Motor Fuel Tax Claims for December 2005 & January 2006; seconded by Carter. **Motion carried.**

Final Bridge Report

MOTION by Jay to receive and place on file the final bridge report; seconded by Bensyl. **Motion carried.**

County Engineer

Ordinance for the establishment of an altered speed zone on Township Road 1800 N in Urbana Road District.

Mr. Blue explained they received a request from the Urbana Township Highway Commissioner, requesting a 40 MPH speed limit on Airport road, east of Highcross Road. As a result, they conducted a speed study which indicated a 45 MPH speed zone in that area, from 1600 E to 1650 E. When asked if the Commissioner understood why they couldn't post 40 MPH, Mr. Blue explained it is difficult to jump down 15 miles in any study, generally it is lowered slowly and the commissioner does understand that.

MOTION by Jay to recommend County Board approval of the Ordinance for the establishment of an altered speed zone on Township Road 1800 N in Urbana Road District; seconded by Langenheim.

Mr. O'Connor stated he knows this area, he feels it is dangerous and he does not see harm in having a speed zone at 40 MPH. Mr. Blue explained that the statute states there has to be a traffic study performed in order to post a speed limit lower than 55 MPH in a rural area and if you do the speed study and determine what the 85th percentile speed is for traveling through the area, that is the speed that is posted. If they post lower and someone gets stopped speeding, they could fight it.

When asked if they could make a motion to set the limit at 40, instead of the recommended 45, Ms. McGrath explained that they cannot amend the speed limit to 40. If they attempt to authorize a different limit than has been suggested by the study, any traffic tickets or ordinance violations that would occur on that roadway would be void. She concurred with Mr. Blue's suggestion of doing a second study after the 45 limit has been posted for some time, and she explained that the committee has the authority to request a second study be done although it is not only authorized by the county but also by IDOT.

Ms. Feinen asked for a friendly amendment to the motion to provide Mr. Blue the authority to request a second study be done, the seconder agreed with the amendment. Mr. Jay, the mover, stated he is not in favor of the amendment and feels we should leave it alone.

Mr. Blue stated he is not going to tell the Township Highway Commissioner what to do; he would like to see the request come from him, which he is sure it will by fall. Ms. Feinen asked Mr. Blue if he could convey to the highway commissioner that the committee would encourage him to request a second study.

MOTION carried with Mr. O'Connor and Mr. Carter voting no.

Resolution Awarding of contract for the purchase of a 2005 Caterpillar 420D-IT Backhoe Loader.

Mr. Blue explained that this item was before the committee at the last meeting for information only. They opened the bids on January 23, 2006 and, with the trade of our 1997 Backhoe, the low bid was from Altorfer, Inc. of Springfield for \$68,097.00.

MOTION by Bensyl to recommend County Board approval of the Resolution awarding of contract for the purchase of a 2005 Caterpillar Backhoe Loader; seconded by Carter. **Motion carried.**

Resolution appropriating \$18,698.00 from the County Motor Fuel Tax Funds for Champaign County's share of CUUATS – Section #06-00000-00-ES

Mr. Blue explained that this is the annual contribution by all parties interested in CUUATS and it is standard that we pay our share.

MOTION by Langenheim to recommend County Board approval of the Resolution appropriating \$18,698.00 from County Motor Fuel Tax Funds for Champaign County's share of CUUATS – Section #06-00000-00-ES; seconded by Carter.

When asked how they arrive at the proportions, Mr. Blue stated the County doesn't pay the same as Champaign Urbana but he is not sure of the equation used to calculate the shares.

MOTION carried with Mr. O'Connor voting no.

Borrowed Money from Highway & MFT Accounts

Mr. Blue explained that the money borrowed from the Highway fund to help the General fund during their bonding issue has been paid back, and they are back in the black in the highway fund. He asked whoever is on the finance committee, to ensure the department heads are aware of these transfers because he was never notified money was being taken out of his fund.

Fringe Road Funding

Mr. Blue stated the resolution for the million dollar contribution came from the county last year, and he has attended many meetings to talk about dealing with financing of large projects in the future. He explained that Curtis road, phase I, has been bid, the engineer estimate was 4.9 million and it came in at 4.4 million with Champaign Asphalt being the low bidder. That project is due to begin in March and will most likely take two construction seasons to complete. He stated we are a 50% contributor on that project and at the last committee meeting he was authorized to send a letter back to the City of Champaign indicating the county would budget \$1,768,000 for our share of phase I.

Fringe Road Funding cont.

The City is the lead agency and they will make all the payments and bill the county for reimbursement. In reference to Curtis road phase II, which is also joint under the original agreement, the city was to be the lead agency and the county was a financial contributor to the tune of 50%. To get the ball rolling, the public works director from Champaign has drafted a letter which discusses how we will handle the budgeting and timing on Curtis Road phase II. He reviewed the letter, stating that the City is the lead agency on the project from Wesley to a quarter mile west of route 45. The next project, phase III, which is out in the future 10 years, has the County being the lead agency because that project is outside the city limits. The original agreement talked about a 2 lane roadway between Windstone and Wesley but the traffic volumes on Curtis warrant a 5 lane cross section and the city is requesting written confirmation that the County is on board with the 5 lanes. He explained that Clark Dietz was the engineer on phase I of Curtis Road and the city, being the lead agency, has gone back to them, in consultation with the County and Savoy, about engineering the next phase and he doesn't see any reason why they would select another firm; the city is asking that we concur with hiring Clark Dietz as the engineer for phase II. The schedule lays out each project, explaining that phase II is scheduled for 2009. He stated that is important because they received the high profile project money from the federal government through the transportation bill for that and that bill is due to expire September of 2009 so the money for phase II needs to be appropriated to that project prior to the expiration of that bill. If they go beyond 2009 for bidding of that project they would jeopardize the 5.5 million dollar earmark for that project. To make that timeline they need to get started almost immediately and he explained that a family has property along phase II and the city feels in order to acquire the right-away, they will have to go through an eminent domain process which can take 24-30 months so they need to get started on the design, engineering and surveying so the documents can be drafted.

Ms. McGrath stated, on the issue of eminent domain, in the letter, the city questioned if the County had authority to acquire land for Phinney Branch Channel Improvements and she stated the answer is no, she will research the County's authority for off-road detention basin/wetlands remediation site. Mr. Blue stated, because the city does not have eminent domain authority outside city limits and because this roadway falls outside the city limits, they would like to use their personnel and they believe the State's Attorney can appoint a city attorney as a deputy State's Attorney to act on behalf of the county in these proceedings. Ms. McGrath stated she is not sure if they have the authority to appoint an attorney from another branch of government, they have not done that before but she will also research that issue.

Mr. Blue reviewed the proposed schedule for phase II, pointing out it is a pretty tight schedule and the current agreement will have to be updated. Ms. Feinen asked if the current agreement in place would be rescinded and we would be entering into a new one. Mr. Blue responded that the agreement they are talking about is the specific Curtis Road agreement beyond the general fringe road agreement. He stated, not shown in their schedule is our schedule to complete our pavement management program which is a big part of finding out what we have financially to contribute over the years. Referring to the budget he explained that the County will pay 25% of the cost for construction. The agreement is silent on how the management costs will be split.

Fringe Road Funding Cont.

He explained that the city is estimating they will have almost 2000 hours devoted to this project, they feel it is a reimbursable cost and have asked the County to reimburse them for half of those costs, he stated if he were the project manager on this project he would be making a similar request. They show a proposed budget for the project, starting in 2005, with a total cost of 15 million dollars and they have asked the County to review and approve the estimated costs. The proposed County budget, based on the agreement, shows an estimation of 4.7 million dollars spread over 6 fiscal years with the largest costs in 2008-2010. He explained that in relation to the million dollar cap, the County has committed, by a letter sent to the city in December, \$1,768,000 for Curtis Road phase I. They city proposed they would finance the debt for us at a 5% per year interest on any unpaid balance, he told them the county wasn't interested in the city carrying our debt. He stated they believe the County has a 9 million balance in the MFT fund which is correct, but will be drawn down with the construction of the new facility. He presented the committee with spreadsheets explaining that they also have to look at Urbana and see what our timeline is for our major project there, which is Windsor Road. He has met with the cities and Savoy to talk about their timelines and how it falls into our million dollar resolution. In 2005, the County spent just over 1 million dollars, if you include the Prospect project. In 2009-2010, if we finance these projects and pay in the year requested, we would be in the hole and it is not until 2015 that we start seeing a positive balance.

When asked when the pavement management system will start, Mr. Blue explained that he is attending a kick off meeting today, they plan to begin in March and the schedule in the contract says they will be done by July 2006. The city requested, in reference to Curtis Road, that we make a commitment that we are on board with the Clark Dietz contract and that we understand the engineering needs to move forward; he would also like to reserve the right to make any more specific commitments until the pavement management system is complete. He stated he agrees with everything they are asking for with exception of the financing; our options are to finance internally or to tell the city that we are asking them to finance this but we are not willing to pay interest.

Ms. McGrath stated the agreement seems to be the document by which the County will say what our commitment will or won't be to this project. She is uncomfortable with the suggestion they have made that we will do written confirmation of any aspect of the project outside of that agreement. She suggested they update the intergovernmental agreement that defines our commitment; review the present document and ask the city for an updated agreement so we have something to respond to.

Mr. Jay stated he is frustrated with intergovernmental agreements, they originally did not agree to the type of project that is before them now. At some point the County needs to start looking out for itself because we don't have the money to do what everyone wants us to do. The original agreement was for a 2 lane roadway and now they are asking for a 5 lane. He also asked if there are any other projects that they will come up with, stating if the scope of a project grows we should have more time to pay it off.

Fringe Road Funding

Mr. Blue responded that the Olympian Drive project is still hanging out there. He attended a meeting with Ms. Wysocki, representatives from RPC, the cities and villages to talk about the priorities of this area with transportation, beyond what is on the books. Everyone decided Olympian Drive should be a number one priority if we could get the money.

Mr. Bensyl asked, if we stay within our cap, how we will split the money between entities in years where we have more than one project. Mr. Blue explained that was never outlined in the resolution, the thought process from the City of Champaign was that they and Savoy have 64% of the population in the urbanized area and Urbana has 36% so they should get \$640,000 and Urbana should get \$360,000 although money cannot be spent in urban areas without CUUATS. Ms. Feinen stated she would discourage the committee from using population to distribute money and she asked if Urbana has changed its mind about Olympian Drive remembering that one reason we didn't continue with the project was because they didn't want it to go all the way through. Mr. Langenheim stated Urbana has changed their mind about the project and he anticipates some arguments from the Cities that 90% of the gas tax money comes out of the cities and should be spent in the cities.

Mr. O'Connor left the meeting at 10:25 a.m.

Ms. Gross stated she is frustrated by this process. We have bids and the same firms get the contracts, she stated when she is asked about that she doesn't know what to say to people, if the process is above the board or not and she pointed out that the gas tax money is generated by the City folks.

Ms. Feinen stated she encourages Ms. Gross to attend the bid openings. They have a process and an Engineer she believes in and she pointed out that it is market driven; if there is only one firm that can do the work they will get the contracts. She encouraged her to get more involved so she is comfortable and agreed it is the allocation of money they are all struggling with.

Ms. Gross stated she has no idea about road costs or if the costs make sense. She sees tons of money going into our highways and she doesn't know if anything is correct, she stated she feels lost.

Mr. Doenitz explained there are ways to find out about this stuff and he encouraged Ms. Gross to become more informed. Mr. Jay reminded the committee that the cities already get a share of MFT and now they are wanting the County's portion, when they don't share theirs with us.

Fringe Road Funding cont.

Mr. Blue stated when you do an estimate for construction costs you can bet that 50% is for people and 50% is material or items. The majority of the cost for building a roadway is driven by how many people it takes, the equipment and fuel cost and the farther away the business is, the more it is going to cost. That lends to a local company getting our projects; you will not see someone from another county getting a contract in Champaign County because they cannot afford to send their people that far away. In relationship to the letter from the City he stated he will get back with them to try and get a new Curtis Road agreement that includes everything. He stated he doesn't want to hold the city up in this project and he would like to give them a good faith offering that they should continue with their process. Ms. Cowart stated Ms. McGrath and Mr. Blue should get together and review the proposed Clark Dietz contract.

MOTION by Jay to direct our County Engineer and State's Attorney's office to review and approve the engineering contract with Clark-Dietz, submitted by the City of Champaign; seconded by Carter. Motion carried.

New Facility Update

Mr. Blue stated that he attended a meeting on January 25th with the cities and village of Savoy in relationship to the new facility and the possibility of sharing. The cities had committed that, once we got through our programming phase, we would come back to discuss at which time they were to have a program as well. At the meeting, they discovered that Urbana made no movement in updating their three year old program. The City of Champaign had moved forward in re-evaluating their program but they reported that it wouldn't be until June when their consultant would have a revised program. The cities also talked about doing an RFP for a consultant to study the feasibility of a cooperative venture between the cities and the county with a price tag of \$30,000-\$50,000. This study would take 3 months and would not start until after the city got their programming back in June so we would be looking at losing an entire construction season. He explained that he presented this information to the Facilities committee on Tuesday and they voted to not participate in a joint feasibility study, he reported this information to the cities yesterday at the fringe road meeting and they weren't surprised. At this point we are continuing with the schematic design for the new facility and trying to make our timeline so we can start to bid and construct this spring and summer.

Bridge Petitions

Crittenden Road District

MOTION by Jay to recommend County Board approval of the petition requesting and resolution approving appropriation of Funds from the County Bridge Fund pursuant to 605 ILCS 5/5-501 for Crittenden Road District; seconded by Carter. Motion carried.

Bridge Petitions cont.

Kerr Road District

MOTION by Jay to recommend County Board approval of the petition requesting and resolution approving appropriation of funds for the County Bridge Fund pursuant to 605 ILCS 5/5-501 for Kerr Road District; seconded by Langenheim. Motion carried.

Newcomb Road District

MOTION by Jay to recommend County Board approval of the petition requesting and resolution approving appropriation of funds for the County Bridge Fund pursuant to 605 ILCS 5/5-501 for Newcomb Road District; seconded by Carter. Motion carried.

Other Business

Mr. Blue stated that he doesn't want to get into a large construction season this year because they are working on the pavement management program but they did a foamed asphalt stabilization on County Road 9 last summer and that is a project that is overlapping from last year. It is the only project for paving this summer with an estimated cost, to do 4 miles of paving, of \$655,000 and they will be going out for bid in the near future.

Semi-Annual Review of Closed Session Minutes

Ms. McGrath stated she has reviewed the closed session minutes and suggests keeping them all closed.

Mr. Jay questioned the opening of the minutes of October 24, 2003 and Mr. Langenheim questioned the opening of the minutes of October 11, 2002 and April 25, 2003. Ms. McGrath stated that the October 24, 2003 minutes and the April 25, 2003 minutes can be opened but the minutes of October 11, 2002 should remain closed

MOTION by Langenheim to concur with the State's Attorney and open the closed session minutes of October 24, 2003 and April 25, 2003 with all other closed session minutes remaining closed; seconded by Bensyl. Motion carried.

Determination of Consent Agenda Items

Committee consensus to include items 6 B and G on the County Board consent agenda.

Mr. Langenheim stated the Clerk turned over all parking spaces reserved for county board members, and none of the visitor parking spaces, to visiting voters. He realizes that County Board members don't always use those spaces but objects to that and believes half of the spaces should come from visitor parking.

Adjournment

Ms. Cowart declared the meeting adjourned at 10:57 a.m.

Respectfully Submitted,

Tiffany Talbott
Administrative Secretary

CHAMPAIGN COUNTY HIGHWAY DEPARTMENT

JEFF BLUE
COUNTY ENGINEER

1776 E. WASHINGTON

(217) 384-3800
FAX (217) 328-5148

URBANA, ILLINOIS 61802

March 10, 2006

COUNTY MOTOR FUEL TAX CLAIMS FOR FEBRUARY

Req No.	Payee	Description	Amount
10	University Construction	Pay Est. #9 - CH. 15 & 18 #03-00392-00-WR	118,645.73
11	East Central Illinois Highway Commissioners Association	Registration - Spring Seminar - Decatur, IL March 27th & 28th, 2006	50.00
12	Material Service Corporation	223.55 T. CA-6/10	1,531.34
13	N.C.U.T.C.D.	Registration - Meeting 6/28-6/30/06 Overland Park, Kansas	85.00
14	Cargill, Inc.	504.69 T. De-icing Salt	20,535.83
15	Champaign County Treasurer	Engineering Fees - County Engineering Forces 6/1/05-11/30/05	91,287.03
16	Material Service Corporation	291.69 T. CA-6/10	1,998.08
17	Champaign County Treasurer Fund 304-010-371.85	Funds for Architectural Fees for Highway Facility - Section #05-00400-00-MG	500,000.00
			<hr/> \$734,133.01 <hr/>

TOWSHIP MOTOR FUEL TAX CLAIMS FOR FEBRUARY

Req No.	Payee	Description	Amount
20	Tuscola Stone Company	Pesotum- 1,496.48 TN CA-16	12,478.14
21	Vulcan Materials	Brown- 934.28 TN CA-6 RAP	7,941.49
22	Osterbur Logistics Inc	Brown- 1,595.50 TN CA-6 RAP, hauled	4,786.50
23	Osterbur Logistics Inc	Champaign- 2,577.61 TN CM-11	5,077.90
24	Osterbur Logistics Inc	Philo- 43.98 TN CM-16, hauled	108.19
25	Osterbur Logistics Inc	Compromise- 22.11 TN CM-16, hauled	76.28
26	Osterbur Logistics Inc	Ogden- 311.27 TN CM-16, hauled	669.24
27	Osterbur Logistics Inc	Sidney- 754.63 TN CM-16, hauled	1,275.34
28	Osterbur Logistics Inc	St. Joseph- 665.35 TN CM-16, hauled	1,330.70
29	Osterbur Logistics Inc	Sidney- 616.33 TN CM-16, hauled	1,041.60
30	Osterbur Logistics Inc	S.Homer- 848.08 TN CM-16, hauled	1,102.52
31	Osterbur Logistics Inc	Philo- 22.06 TN CM-16, hauled	54.27
32	Osterbur Logistics Inc	Ogden- 861.44 TN CM-16, hauled	1,852.06

33	Osterbur Logistics Inc	Compromise- 43.87 TN CM-16, hauled	151.35
34	Ron Smith Trucking	Colfax- 3005.35 TN CA-15, hauled	8,925.84
35	Ron Smith Trucking	Tolono- 3005.89TN CA-15, hauled	6,492.75
36	Ron Smith Trucking	Crittenden- 2,193.95 TN CA-14, hauled	4,190.42
37	Summers Trucking	E.Bend- 120.76 TN CA-15, hauled	661.76
38	Tuscola Stone Company	E.Bend- 240.61 TN CA-15	2,081.28
39	Summers Trucking	Condit- 310.26 TN CM-15, hauled	1,470.63
40	Tuscola Stone Company	Brown- 1,008.93 TN CA-15	8,727.27
41	Vulcan Materials	Brown- 661.22 T CA-6 RAP	5,620.44
42	Vulcan Materials	Champaign- 924.92 TN CM-11	9,480.51
43	Tuscola Stone Company	Colfax- 2552.47 TN CA-15	22,078.95
44	Tuscola Stone Company	Crittenden- 2,193.95 TN CA-14	17,441.89
45	Tuscola Stone Company	Pesotum- 2,431.57 TN CA-15	21,033.08
46	Tuscola Stone Company	Tolono- 2,301.19 TN CA-15	19,905.24
47	Material Service Corporation	Condit- 642.67 TN CA-15	5,591.26
48	Material Service Corporation	St. Joseph- 5001.22 TN CM-16	42,010.19
49	Ron Smith Trucking	Raymond- 800 TN CA-16	7,944.00
50	Prairie Materials	Condit- 615.47 TN CA-6, Gravel	4,923.76
51	Osterbur Logistics Inc	Condit- 615.47 TN CA-6, Gravel hauled	1,415.56
52	Osterbur Logistics Inc	St. Joseph- 4, 335.87 TN CM-16, hauled	8,671.74
53	Summers Trucking	Condit- 428.65 TN CA-15, hauled	2,031.80
54	Tuscola Stone Company	East Bend- 216.52 TN CA-15	1,872.91
55	Summers Trucking	East Bend- 216.52 TN CA-15, hauled	1,186.53

\$241,703.39

TO: Barbara Wysocki, Champaign County Board Chair
FROM: Steven D. Ziegler
RE: Use of County Highway Funds
DATE: February 15, 2006

MEMORANDUM

As you requested, I have re-examined the limitations on the use of certain county funds for the construction and maintenance of roads, bridges and related matters. My conclusions remain the same as those given in the past to the Highway Department and Highway Committee.

The county has three (3) sources of income dedicated to these matters: the County Highway Fund (605 ILCS 5/5-601), County Bridge Fund (605 ILCS 5/5-602) and Motor Fuel Tax funds (605 ILCS 5/5-701). (Champaign County has elected not to levy taxes for the fourth highway related revenue source, Federal Aid Matching Tax). The use of each of these funds is subject to specific limitations and may not be used for other purposes.

COUNTY HIGHWAY FUND

The use of the County Highway Fund is limited to the construction, repair and maintenance of "County Highways", and specific related activities. The term "County Highway" does not include all roads within the county. It refers only to a specific set of roadways designated as the "County Highway System". The Illinois Highway Code defines the "County Highway System" as being separate and distinct from the "Township and District Road System" and the "Municipal Street System" (605 ILCS 5/2-102, 103 & 104). The Highway Code does allow the county to appropriate funds to aid in the construction of "township and district roads". There is no similar provision allowing the use of the Highway Fund for the construction of "municipal streets".

Section 5-601 of the Illinois Highway Code allows the county to impose and use the County Highway Tax as follows:

For the purpose of improving, maintaining, repairing, constructing and reconstructing the *county highways* required to be maintained, repaired and constructed by the county as provided in *Section 5-401* of this Code, and for the payment of lands, quarries, pits and other deposits of road material required by the county for such purpose, and for acquiring and maintaining machinery and equipment, or for acquiring, maintaining, operating, constructing or reconstructing buildings for housing highway offices, machinery, equipment and materials, used for the construction, repair and maintenance of such highways, the county board shall have the power to levy an annual tax to be known as the "county highway tax".... All moneys derived from the "county highway tax" shall be placed in a separate fund to be known as the "county highway fund" and shall be used for *no* other purpose (emphasis added) (605 ILCS 5/5-601).

In addition, Section 5-401 of the Highway Code directs that, "...the county board shall repair, maintain and construct such *county highways*..." (emphasis added) (605 ILCS 5/5-401).

The Highway Code also gives the county board the general power to supervise all *county highways* in the county (605 ILCS 5/5-101.1), construct any *county highway* out of any funds available for such purpose (605 ILCS 5/5-101.3) and appropriate funds to aid in the construction of *township and district roads* in any part of the county (605 ILCS 5/5-101.4) Township and district roads are specifically defined by the Code as being different from county highways or municipal streets (605 ILCS 5/2-102, 103 and 104).

COUNTY BRIDGE FUND

The County Bridge Fund may be used to construct or repair bridges, culverts, drainage structures, drainage facilities or grade separations across or along various roads within the county.

A substantial portion of the County Bridge Fund is used to pay the county's share (1/2) of the construction and repair of such structures in municipalities with a population under 15,000 and in the township road districts (605 ILCS 5/5-501). The Fund can also be used to finance such projects within the county, in conjunction with other agencies (605 ILCS 5/5-502, 503 and 504).

MOTOR FUEL TAX

Moneys allotted to the county from the Motor Fuel Tax Fund may be used, with certain limitations, *only* for the following activities within the county: construction of *county highways* (605 ILCS 5/5-701.1); construction of State highways (605 ILCS 5/5-701.2); maintenance of county or State highways (605 ILCS 5/5-701.3); payments on certain bonds issued for the construction of *State or county highways or superhighways* or construction, maintenance or improvement *county highways, roads and bridges* (605 ILCS 5/5-701.4, 701.5, 701.11 & 701.16); costs of investigating the need for such construction or maintenance (605 ILCS 5/5-701.6); payment of the county's share of projects on federal aid urban and federal aid secondary highway systems or the county's proportionate share of any federally eligible transportation project on, adjacent to or intended to serve *county highways* (605 ILCS 5/5-701.7); to support a local Mass Transit District or Transit commission (605 ILCS 5/5-701.8); construction or maintenance of a county garage (605 ILCS 5/5-7-1.9); construction and maintenance of grade separations and approaches (605 ILCS 5/5-701.14); and maintenance and improvement of non-dedicated subdivision roads established before 7-23-59 (605 ILCS 5/5-701.15). Many of these are subject to the Illinois Department of Transportation. Some have additional conditions, which limit eligibility depending on the exact scope of the particular project.

SUMMARY

The use of each of these funds is subject to specific statutory limitations. Each may be expended only for the purposes authorized by the statutes governing their use.

ATTACHMENTS GIVEN TO COMMITTEE AT MEETING

**HIGHWAY & TRANSPORTATION
MARCH 10, 2006**

CONTENTS:

1. Intergovernmental Agreement for Curtis Road – Agenda Item 6 B

AMENDMENT #1
TO AN INTERGOVERNMENTAL AGREEMENT FOR
THE CONSTRUCTION OF CURTIS ROAD BETWEEN THE CITY OF CHAMPAIGN,
VILLAGE OF SAVOY AND THE COUNTY OF CHAMPAIGN

(Wynstone Drive to Wesley Avenue)

THIS AMENDMENT clarifies and modifies “An Intergovernmental Agreement for the Construction of Curtis Road Between the City of Champaign, Village of Savoy and the County of Champaign” approved by the Champaign City Council in Council Bill 2001-275 on November 20, 2001, by the Champaign County Board on December 18, 2001, and by the Village of Savoy on December 19, 2001, hereinafter referred to as “the Agreement”.

WHEREAS, the City of Champaign (“City”), the Village of Savoy (“Savoy”), and the County of Champaign (“County”) find it to be in the best interest of the public to start engineering design for improvements to Curtis Road from Wynstone Drive to Wesley Avenue (“Project”) in accordance with the design study report approved by Champaign County on June 30, 2004; and

WHEREAS, the Agreement provides that the City shall be the lead agency for the design, land acquisition, utility relocation and construction of Curtis Road for Project C, which includes the area from Wynstone Drive to Wesley Drive; and

WHEREAS, the County, Savoy and the City have agreed to share the costs of making the improvements to Curtis Road from Wynstone Drive to Wesley Avenue.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein the City, Savoy, and the County agree as follows:

1. **Document Preparation.** The City, as lead agency, shall cause plans, specifications, estimates and land acquisition documents to be prepared for the Project so that appraisals and

negotiations for rights-of-way and easements can start in June 2006 and be completed by December 1, 2008.

2. **Payment for Engineering Services.** The City shall contract for and pay all costs for engineering services to prepare plans, specifications, estimates, and land acquisition documents estimated to be \$875,000 which includes a contingency of 5.3%.
3. **Project Management.** The City shall provide all Project Management services proper and necessary for the preparation of plans, specifications, estimates and land acquisition documents for Project C. The estimated value for these services is \$50,000.
4. **Reimbursement.** The County shall reimburse the City for 50% of the actual engineering and project management costs. The estimated County portion for such cost is approximately \$462,500. Savoy shall reimburse the City for 25% of the actual engineering and project management costs. The estimated Savoy portion for such costs is approximately \$231,200.
5. **Billing.** The City shall invoice the County and Savoy for their respective share of the Project costs. The City shall provide appropriate documentation to the County which will allow for reimbursement from County Motor Fuel Tax Funds. The City shall provide reasonable documentation to the County and Savoy regarding the actual cost of the work as costs are incurred. The County and Savoy shall pay invoices within thirty (30) days of receipt.
6. **Effective Date and Termination.** This Amendment #1 shall be effective on the date of the last of the City Council, County Board or Savoy Village Board to approve this Amendment. The parties agree that, if the design of Curtis Road from Wynstone Drive to Wesley Avenue has not begun by December 31, 2006, this Amendment #1 shall terminate without further action by the parties, but the Agreement shall remain in full force and effect.

7. **Continuation of Obligation**. All other terms and conditions of the Agreement shall remain in full force and effect and apply to this Amendment #1.

IN WITNESS WHEREOF, the parties have executed this Amendment #1.

CITY OF CHAMPAIGN

VILLAGE OF SAVOY

COUNTY OF CHAMPAIGN

By: _____
City Manager

By: _____
Village President

By: _____
Chair

Date: _____

Date: _____

Date: _____

Attest: _____
City Clerk

Attest: _____
Village Clerk

Attest: _____
County Clerk

APPROVED AS TO
FORM:

APPROVED AS TO
FORM:

APPROVED AS TO
FORM:

By: _____
City Attorney

By: _____
Village Attorney

By: _____
Its Attorney

City Council Approval
Date

Village Board Approval
Date

County Board Approval
Date

CB # 2006-_____