

COLES COUNTY BOARD
Regular Meeting
July 14, 2015

The regular meeting of the Coles County Board was called to order at 7:00 p.m. with the following members present Brandon Bell, Paul Daily, Mark Degler, Jan Eads, Dan Lawrence, Brian Marvin, Ron Osborne, Nancy Purdy, Cory Sanders, Marc Weber, and Mike Zuhone with Chairman Stan Metzger presiding.

Following the Pledge to the Flag, the Invocation was given by Paul Daily.

Motion was made by Zuhone, seconded by Weber to approve the June 9, 2015 County Board minutes.

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,
Osborne, Purdy, Sanders, Weber, Zuhone (12)
NAYS: None (0)
ABSENT: None (0)

**APPOINTMENT TO THE REGIONAL PLANNING &
DEVELOPMENT COMMISSION**

Appointment was made by Metzger to appoint Steve Kelly to serve on the Regional Planning & Development Commission until November 2016, with the consent of the Coles County Board.

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,
Osborne, Purdy, Sanders, Weber, Zuhone (12)
NAYS: None (0)
ABSENT: None (0)

RE-APPOINTMENT TO THE BOARD OF REVIEW

Re-appointment was made by Metzger to appoint Gerald Herman and Matthew Frederick to the Board of Review until June 2017, with the consent of the Coles County Board.

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,
Osborne, Purdy, Sanders, Weber, Zuhone (12)
NAYS: None (0)
ABSENT: None (0)

ORDINANCE RE: PREVAILING RATE OF WAGES

(For a copy of the ordinance see page 2888)

Upon motion by Lawrence, seconded by Weber

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,

Osborne, Purdy, Sanders, Weber, Zuhone (12)

NAYS: None (0)

ABSENT: None (0)

RESOLUTION TO ADD LINE ITEMS TO FY2015 BUDGET - HIGHWAY

(For a copy of the resolution see page 2889)

Upon motion by Weber, seconded by Sanders

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,
Osborne, Purdy, Sanders, Weber, Zuhone (12)

NAYS: None (0)

ABSENT: None (0)

RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM

(For a copy of the resolution see pages 2890 - 2891)

Upon motion by Daily, seconded by Osborne

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,
Osborne, Purdy, Sanders, Weber, Zuhone (12)

NAYS: None (0)

ABSENT: None (0)

**RESOLUTION TO AWARD (SECTION 15-00162-00-FP)
COUNTY HIGHWAY 28**

(For a copy of the resolution see page 2892)

Upon motion by Zuhone, seconded by Daily

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,
Osborne, Purdy, Sanders, Weber, Zuhone (12)

NAYS: None (0)

ABSENT: None (0)

AGREEMENT RE: TRUCK ACCESS ROUTE PROGRAM

(For a copy of the resolution see page 2893- 2895)

Upon motion by Zuhone, seconded by Weber

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,
Osborne, Purdy, Sanders, Weber, Zuhone (12)
NAYS: None (0)
ABSENT: None (0)

RE: ESTABLISHING A DESIGNATED TRUCK ROUTE

(For a copy of the resolution see page 2896)

Upon motion by Zuhone, seconded by Daily

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,
Osborne, Purdy, Sanders, Weber, Zuhone (12)
NAYS: None (0)
ABSENT: None (0)

COUNTY BRIDGE FUND PETITION - NORTH OKAW TOWNSHIP

(For a copy of the resolution see pages 2897- 2899)

Upon motion by Zuhone, seconded by Osborne

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,
Osborne, Purdy, Sanders, Weber, Zuhone (12)
NAYS: None (0)
ABSENT: None (0)

APPOINTMENTS

None

ADJOURNMENT

Upon motion by Lawrence, seconded by Sanders the Coles County Board was adjourned at 7:22 p.m..

AYES: Bell, Daily, Degler, Eads, Lawrence, Marvin, Metzger,
Osborne, Purdy, Sanders, Weber, Zuhone (12)
NAYS: None (0)
ABSENT: None (0)

ATTEST:


County Clerk

State of Illinois)
)ss.
County of Coles)

ORDINANCE RE: PREVAILING RATE OF WAGES

WHEREAS, the State of Illinois has enacted "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, codified as amended, 820 ILCS 130/1 et seq. (1993), formerly Ill. Rev. Stat., Ch. 48, par. 39s-1 et seq., and

WHEREAS, the aforesaid Act requires that the County Board of the County of Coles investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of the County employed in performing construction of public works, for said County Board.

NOW, THEREFORE BE IT ORDAINED by the County Board of Coles County, Illinois:

SECTION 1. To the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the County Board is hereby ascertained to be the same as prevailing rate of wages for construction work in Coles County area as determined by the Department of Labor of the State of Illinois as of June of 2015, a copy of the determination being attached hereto and incorporated herein by reference. As required by said Act, and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by the County. The definition of any terms appearing in this Ordinance which are also used in aforesaid Act shall be the same as in said Act.

SECTION 2. Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the County Board to the extent required by the aforesaid Act.

SECTION 3. The County Board shall publicly post or keep available for inspection by any interested party in the main office of the County Board this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

SECTION 4. The County Board shall mail a copy of this determination to any employer, and to any association of employers who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

SECTION 5. The County Board shall promptly file a certified copy of this Ordinance with both the Secretary of State Index Division and the Department of Labor of the State of Illinois.

SECTION 6. The County Board shall cause to be published in a newspaper of general circulation within the area a copy of this Ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

ADOPTED this ____ day of _____, 2015.

Chair, Coles County Board

ATTEST:

County Clerk

RESOLUTION TO ADD LINE ITEMS
TO FY2015 BUDGET

WHEREAS, the Coles County Highway Department has received funds from the State of Illinois Truck Access Route Program (T.A.R.P.) for a construction project on County Highway 28 (Section 15-00162-00-FP); and,

WHEREAS, additional line items are needed in the County Highway Matching Fund to show the revenue and expenses for the said funds in the 2015 Coles County budget year; and,

WHEREAS the timely and current completion of this construction is in the best interest of the County and the State of Illinois,

NOW, THEREFORE BE IT RESOLVED, that a new revenue line item 004-4015-052-000, Truck Access Route Program Grant be added to show the addition of four hundred thirty-six thousand, five hundred dollars (\$436,500) to the county's Highway Matching fund; and that one expense line item, 004-7250-052-000, Truck Access Route Program Grant, be added to show the addition of four hundred thirty-six thousand, five hundred dollars (\$436,500) to account for the costs of construction expenses in the 2015 budget year.

STATE OF ILLINOIS
COUNTY OF COLES

I, being properly authorized, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the County Board of Coles County on 14th day of July, 2015.

Coles County Clerk (SEAL)

RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM

WHEREAS, KELLY TAYLOR through her attorney, Todd Reardon, has submitted a claim against the Coles County Sheriff's Department for wrongful detention said claim resulting from an alleged improper arrest and detention of Kelly Taylor in November 2014; and

WHEREAS, without admitting fault but in an effort to resolve the claim and buy peace, the Coles County Sheriff's Department has agreed to resolve said claim by the payment of SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$7,500.00); and

WHEREAS, Kelly Taylor through her attorney, Todd Reardon, has agreed to accept this amount as full settlement of said claim, evidencing the same is a copy of a proposed Release attached hereto marked as Exhibit A and incorporated herein; and

WHEREAS, it is in the best interest of the County of Coles to resolve this claim pursuant to the terms of Exhibit A.

NOW BE IT THEREFORE RESOLVED by this County Board that the Coles County Sheriff's Department and the Coles County Treasurer's Department are hereby authorized and directed to execute such documents and checks as necessary to resolve this claim as set forth on Exhibit A.

BE IT FURTHER RESOLVED by this County Board that said resolution is in the best interest of the County of Coles and this Board expressly authorizes and accepts the resolution as set forth herein.

APPROVED this _____ day of _____, 2015.

AYES _____ NAYS _____ ABSTENTIONS _____

CHAIRMAN

ATTEST:

Secretary

Prepared by
BRIAN L. BOWER, State's Attorney, COLES COUNTY STATE'S ATTORNEY, 651 Jackson Avenue, Room 330, Charleston, IL 61920
Telephone: (217) 348-0561, Facsimile: (217) 348-0576, f/CountyBoard/Resolution/SettlementKellyTaylor

EXHIBIT A

STATE OF ILLINOIS)
) ss.
County of Coles)

RELEASE OF CLAIM

KNOW ALL MEN BY THESE PRESENTS that in consideration of Seven Thousand Five Hundred Dollars (\$7,500.00) which will be paid to Kelli Taylor by Coles County, the receipt of which is hereby acknowledged, the undersigned does hereby release and discharge Coles County Sheriff's Department and its respective officers, directors, partners, associates, agents, servants, employees, successors, assignees, estate and insurance companies (hereinafter collectively known as Coles County Sheriff's Department) of and from all claims, demands, causes of action, or suits at law or in equity, whether known or unknown, fixed or contingent, liquidated or unliquidated, of which claims arise out of or in any way related to the unlawful arrest of Kelli Taylor in November 2014.

This release is given and taken in good faith pursuant for settlement and is a full and final Release applying to all unknown and unanticipated claims arising out of or in any way related to Kelli Taylor's unlawful arrest, as further described in the above paragraph. This Release shall inure to the benefit of and be binding on the undersigned and her respective predecessors, successors, heirs, assignees, and transferees.

The undersigned represents that she has read this Release, has consulted with counsel with respect thereto, understands this Release, and enter into it of her own free choice and is intending to be legally bound.

Witness our hands and seals this 27th day of May, 2015

Kelli Taylor

Subscribed and sworn to before me, a Notary Public, this 27 day of May, 2015.

Amanda Lewis
(Notary Public)



RESOLUTION TO AWARD

Section 15-00162-00-FP

WHEREAS, a letting was held at the Coles County Courthouse on June 23, 2015 at the hour of 10:00 A.M. for the base stabilization and seal coat on County Highway 28 between County Highway 18 and County Highway 16, and

WHEREAS, said section was advertised in the Charleston Times Courier and the Mattoon Journal Gazette on June 9 & June 16, 2015; and the State's "Notice to Contractors Bulletin" on June 11 and June 18, 2015, and

WHEREAS, bids were received from 4 qualified contractors, and

WHEREAS, Dunn Company, 724 North Mercer Street, Decatur, IL 62522, submitted the low bid in the amount of \$ 846,220.45, and


WHEREAS, the engineer's estimate for said section was \$ 1,021,834.10.

NOW, THEREFORE BE IT RESOLVED, that the County Board of Coles County award a contract for said section to Dunn Company, 724 North Mercer Street, Decatur, IL 62522.

STATE OF ILLINOIS
COUNTY OF COLES

I, being properly authorized, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the County Board of Coles County on this 14th day of July 2015.

Sue Rennels, County Clerk (SEAL)

Local Agency Coles County Section 15-00162-00-FP	 Illinois Department of Transportation Truck Access Route Program (TARP) Agreement	Job Number - Construction C-97-076-15 Job Number - Engineering
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This Agreement is made and entered into between the above local agency hereinafter referred to as "LA", and the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LA jointly propose to improve the designated location as shown below.

Location

Local Name N Co Rd 1100E Route FAS 1673 Lane Miles 4.85 miles

Number of Eligible Intersections 0

Termini From FAS 1672 (CH-16) to FAS 642C (CH-18)

Current Jurisdiction Coles County

Project Description

Project will consist of cement modification of the existing roadway, A-2 bituminous surface treatment, aggregate shoulders and pipe culvert replacement.

Division of Cost

Type of Work	TARP (1)	LA (2)	Total
Participating Construction	436,500	738,500	1,175,000
Non-Participating Construction			0
Preliminary Engineering			0
Construction Engineering			0
			0
			0
TOTAL	\$436,500	\$738,500	\$1,175,000

Note

- 1/ It is mutually agreed that the STATE'S share of the PROJECT cost under the Truck Access Route Program shall be a lump sum amount of \$436,500 not to exceed 50% of the final construction cost, whichever is the lesser.
- 2/ Any remaining balance shall be the responsibility of the LA.

Upon award of the project and request of payment from the LA, the STATE will pay the LA its share of the project costs.

Agreement Provisions

1. It is mutually agreed that the PROJECT will be processed, let and constructed in accordance with Motor Fuel Tax standards, policies and procedures.
2. Construction of the PROJECT will utilize domestic steel as required by Section 106.01 of the current edition of the Standard Specifications for Road and Bridge Construction.
3. The LA will certify to the STATE that all necessary right-of-way, temporary and permanent easements, and temporary use permits have been obtained or are not required, prior to the LA advertising for bids for the PROJECT.
4. The PROJECT will be let and awarded by the LA upon approval of the plans and specifications by the STATE.
5. The LA agrees to retain jurisdiction and to maintain or cause to be maintained in a manner satisfactory to the STATE, the completed PROJECT.
6. Upon approval of the final plans and specifications by the STATE and the LA, the LA agrees to accept bids and award the contract for construction of the proposed improvements after receipt of a satisfactory bid and after concurrence in the award has been received from the STATE and provide, or cause to be provided, all of the initial funding necessary to complete the project subject to partial reimbursement by the STATE.
7. The LA agrees to pass an ordinance/resolution clearly defining the limits of the proposed 80,000 pound truck route and identifying the truck route class. A copy of said ordinance/resolution is attached as Exhibit B. Such truck route shall be properly signed in accordance with the Illinois Manual on Uniform Traffic Control Devices. Cost of truck route signing is included in estimated cost of the PROJECT.
8. The LA shall maintain, for a minimum of 3 years after the completion of the project, adequate books, records, and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with this Agreement. All books, records, and supporting documents related to the project shall be available for review and audit by the Auditor General and the Department. The LA agrees to cooperate fully with any audit conducted by the Auditor General and the Department and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract of which adequate books, records, and supporting documentation are not available to support their purported disbursement.
9. Obligations of the STATE shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly fails to appropriate or otherwise make available funds for the work contemplated herein.
10. All projects for the construction of fixed works which are financed in whole or in part with funds provided by this Agreement shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.) unless the provisions of that Act exempt its application.
11. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

EXHIBITS

Additional information and/or stipulations are hereby attached and identified below as being a part of this Agreement.

Exhibit A - Location Map

Exhibit B - 80,000lb Truck Route Resolution/Ordinance

The LA further agrees, as a condition of payment, that it accepts and will comply with the applicable provisions set forth in this Agreement and all exhibits indicated above.

APPROVED

Local Agency

Stan Metzger

Name of Official (Print or Type Name)

County Board Chairperson

Title (County Board Chairperson/Mayor/Village President/etc.)

(Signature) Date

The above signature certifies the agency's TIN number is 37-6000640 conducting business as a Governmental Entity.

NOTE: If signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.

APPROVED

State of Illinois
Department of Transportation

Erica J. Borggren, Acting Secretary of Transportation Date

By: _____
Aaron A. Weatherholt, Deputy Director of Highways Date

Omer Osman, Director of Highways/Chief Engineer Date

Michael A. Forti, Chief Counsel Date

Tony Small, Director of Finance and Administration Date



WHEREAS, the State of Illinois by its General Assembly has enacted the Illinois Vehicle Code; and

WHEREAS, 625 ILCS 5/1-126.1 provides that local authorities may designate Class II or Class III highways within their jurisdiction, and in accordance with 625 ILCS 5/15-111(f), weight limitations shall be designated by appropriate signs placed on such highways; and

WHEREAS, the Local Agency, Coles County, is desirous of providing a truck route for the purpose of accommodating a load limit of 80,000 pounds:

NOW THEREFORE, BE IT RESOLVED, that the portions of FAS 1673 (CH - 28) beginning at the intersection of FAS 1672 and extending to FAS 642C for 4.85 miles be designated as a:

[X] Class II Truck Route or [] Class III Truck Route.

Ayes:
Nays:
Absent:

Name: Sue Rennels
Title: County Clerk
Signature:

STATE OF ILLINOIS)
COUNTY OF Coles) SS

I, Sue Rennels, Clerk, in and for the Local Agency and State aforesaid, and keeper of the records and files of said office, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Local Agency, Coles County at their Adjourned Meeting held on

IN TESTIMONY WHEREOF, I witness my hand and seal of the Local Agency, this day of

(SEAL)

Clerk

COLES COUNTY HIGHWAY DEPARTMENT

Richard A. Johnson, P.E – County Engineer
651 Jackson Street, Room 16
Charleston, IL 61920
Telephone 217-348-0527

COUNTY BRIDGE FUND PETITION

COLES COUNTY BOARD

Petition from: North Okaw Road District
3278 Stotler Street
Humboldt, IL 61931

Project No. 07-06.2015
Structure No. NA

Location & Estimate of Costs: See Attached

Work to be performed: Remove existing culvert and replace with a 36" diameter ERS culvert, 40 feet long. Place riprap around inlet and outlet of new culvert and restore roadway.

Cost of Project: \$7,600.00

0.02% of Assessed Valuation of City or Township \$ 4,689.00

Whereas all requirements of 605 ILCS 5/5-501, Chapter 121 of the Illinois Statutes have been satisfied concerning aid from the County Board, I hereby petition the Coles County Board to appropriate a sufficient sum to match a portion of the estimated cost of the proposed bridge/ drainage project.

Signed: _____
Highway Commissioner

Approved by the Coles County Board
this 14th day of July, 2015.

Amount Approved for Appropriation
from the County Bridge Fund:

Board Chairman

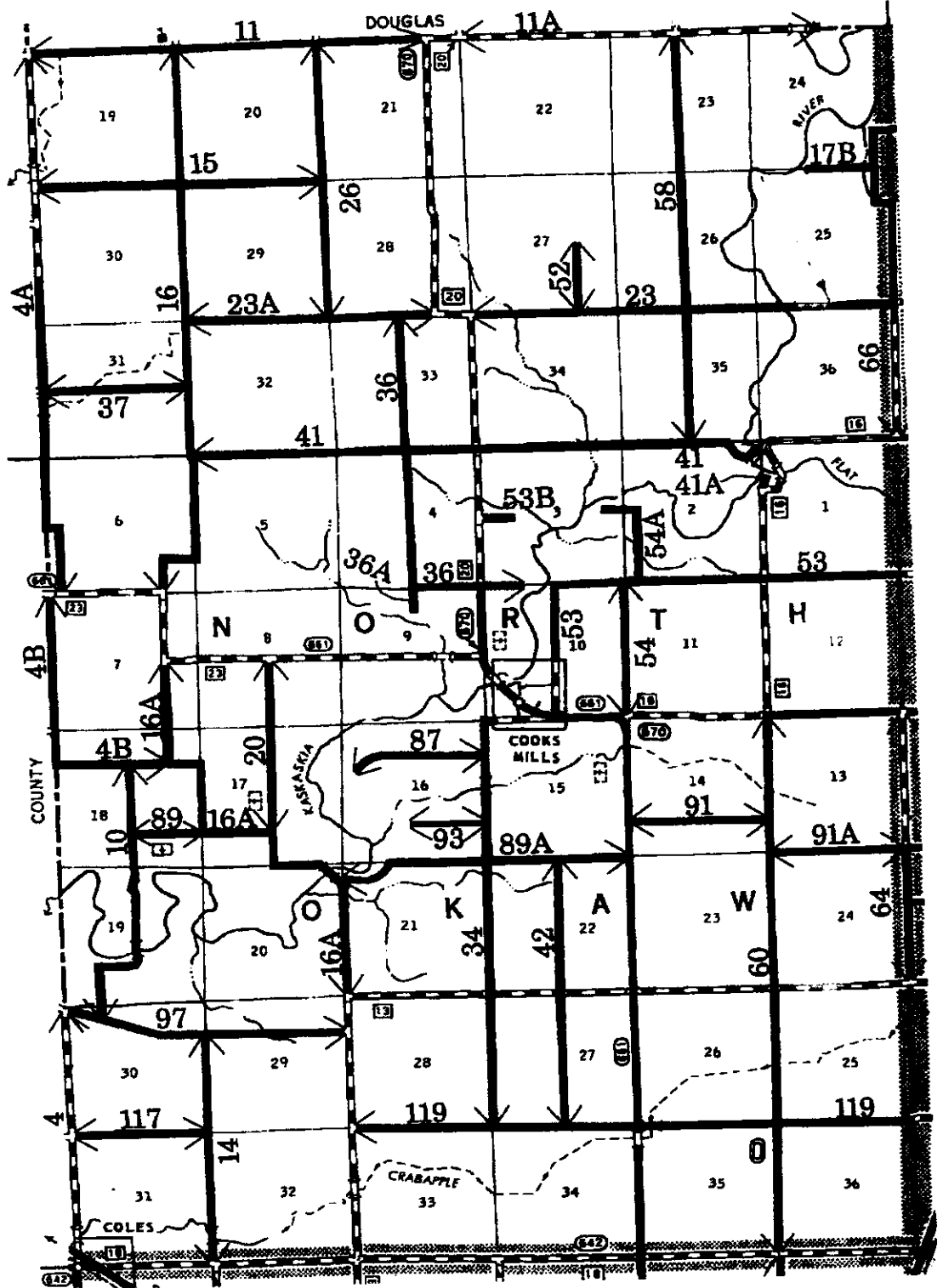
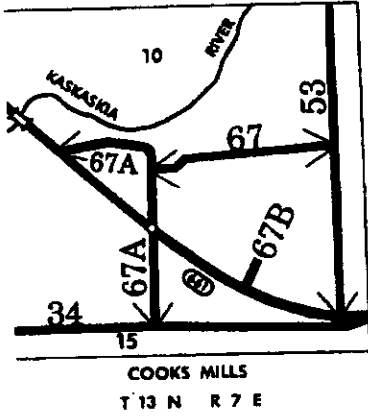
\$ 3,800.00

Attest: _____
County Clerk

NORTH OKAW



Public Record



Estimate of Costs

Cost Share with North Okaw Twp.

TR-23 (CR 1700N)

Estimate of Costs:

<u>Item</u>	<u>Quantity</u>	<u>Hrs./ Units</u>	<u>Rate</u>	<u>Total</u>
36" E.R.S. Steel Culvert	1		\$1,800.00	\$1,800.00
Trackhoe w/Operator	1	12	\$250.00	\$3,000.00
Laborer	1	12	\$30.00	\$360.00
Low Strength Materila (Flowable Fill)	9	cu. yds.	\$120.00	\$1,080.00
FA-2, Sand	20	tons	\$14.00	\$280.00
CA-6, Crushed Stone	30	tons	\$16.00	\$480.00
Riprap (RR3 and/or RR4)	20	tons	\$28.00	\$560.00
				<u>\$7,560.00</u>

Coles County Portion (1/2): \$3,780.00