

**COLES COUNTY BOARD**

**Regular Meeting**

**December 13, 2016**

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

Following the Pledge to the Flag, the Invocation was given by Chairman Stan Metzger.

**APPROVAL OF MINUTES**

Motion was made by Sanders, seconded by Weber to approve the November 9, 2016 County Board minutes.

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

NAYS: None (0)

ABSENT: None (0)

**STATE'S ATTORNEY'S APPELLATE PROSECUTOR**

For a copy of the resolution see page 3451

Upon motion by Weber, seconded by Daily

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

NAYS: None (0)

ABSENT: None (0)

**RESOLUTION TO ABATE TAX LEVY (2)**

For a copy of the abatements see pages 3452-3454

Upon motion by Marvin, seconded by Zuhone

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

NAYS: None (0)

ABSENT: None (0)

**RESOLUTION TO APPROPRIATE FUNDS FOR SALARY AND EXPENSES  
OF THE COLES COUNTY ENGINEER**

For a copy of the resolution see page 3455

Upon motion by Weber, seconded by Daily

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

NAYS: None (0)

ABSENT: None (0)

**COUNTY MAINTENANCE RESOLUTION  
ILLINOIS DEPARTMENT OF TRANSPORTATION**

For a copy of the resolution see page 3456

Upon motion by Weber, seconded by Bell

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

NAYS: None (0)

ABSENT: None (0)

**ENGINEERING SERVICE AGREEMENT WITH THE UPCHURCH GROUP RE: CH27**

For a copy of the resolution see pages 3457-3460

Upon motion by Weber, seconded by Zuhone

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

NAYS: None (0)

ABSENT: None (0)

**APPOINTMENTS**

None

**ADJOURNED**

Upon motion by Degler, seconded by Bell, the Coles County Board was adjourned at 7:49 p.m.

ATTEST:

\_\_\_\_\_ County Clerk

**RESOLUTION**

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor was created to provide services to State's Attorneys in Counties containing less than 3,000,000 inhabitants; and

WHEREAS, the powers and duties of the Office of the State's Attorneys Appellate Prosecutor are defined and enumerated in the "State's Attorneys Appellate Prosecutor's Act", 725 ILCS 210/1 et seq., as amended; and

WHEREAS, the Illinois General Assembly appropriates monies for the ordinary and contingent expenses of the Office of the State's Attorneys Appellate Prosecutor, one-third from the State's Attorneys Appellate Prosecutor's County Fund and two-thirds from the General Revenue Fund, provided that such funding receives approval and support from the respective Counties eligible to apply; and

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor shall administer the operation of the appellate offices so as to insure that all participating State's Attorneys continue to have final authority in preparation, filing, and arguing of all appellate briefs and any trial assistance; and

NOW, THEREFORE, BE IT RESOLVED that the Coles County Board, in regular session, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ does hereby support the continued operation of the Office of the State's Attorneys Appellate Prosecutor, and designates the Office of the State's Attorneys Appellate Prosecutor as its Agent to administer the operation of the appellate offices and process said appellate court cases for this County.

BE IT FURTHER RESOLVED that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor are hereby authorized to act as Assistant State's Attorneys on behalf of the State's Attorney of this County in the appeal of all cases, when requested to do so by the State's Attorney, and with the advice and consent of the State's Attorney prepare, file, and argue appellate briefs for those cases; and also, as may be requested by the State's Attorney, to assist in the prosecution of cases under the Illinois Controlled Substances Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act and the Narcotics Profit Forfeiture Act. Such attorneys are further authorized to assist the State's Attorney in the State's Attorney's duties under the Illinois Public Labor Relations Act, including negotiations thereunder, as well as in the trial and appeal of tax objections.

BE IT FURTHER RESOLVED that the Office of the State's Attorneys Appellate Prosecutor will offer Continuing Legal Education training programs to the State's Attorneys and Assistant State's Attorneys.

BE IT FURTHER RESOLVED that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor may also assist the State's Attorney of this County in the discharge of the State's Attorney's duties in the prosecution and trial of other cases, and may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction.

BE IT FURTHER RESOLVED that the Coles County Board hereby agrees to participate in the service program of the Office of the State's Attorneys Appellate Prosecutor for Fiscal Year 2017, commencing December 1, 2016 and ending November 30, 2017, by hereby appropriating the sum of \$18,000.00 as consideration for the express purpose of providing a portion of the funds required for financing the operation of the Office of the State's Attorneys Appellate Prosecutor, and agrees to deliver the same to the Office of the State's Attorneys Appellate Prosecutor on request during the Fiscal Year 2017.

Passed and adopted by the County Board of Coles County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Chairman \_\_\_\_\_

ATTEST: \_\_\_\_\_  
County Clerk

State of Illinois     )  
                                   )  
 County of Coles     )

RESOLUTION TO ABATE TAX LEVY

WHEREAS, the Coles County Board did on October 12, 2010 issue general obligation (sales tax alternative revenue source) bonds totaling \$1,275,000 denomination of \$5,000 due serially on December 1 in each of the years in the amount and bearing interest as follows:

Date	Principal	Interest Rate	Interest Due	Fiscal Total And Levy	Levy Year
12/01/2011	80,000	3.550	56,568.75		
06/01/2012			22,823.75	159,392.50	2010
12/01/2012	115,000	3.550	22,823.75		
06/01/2013			20,782.50	158,606.25	2011
12/01/2013	120,000	3.750	20,782.50		
06/01/2014			18,532.50	159,315.00	2012
12/01/2014	125,000	3.750	18,532.50		
06/01/2015			16,188.75	159,721.25	2013
12/01/2015	125,000	3.750	16,188.75		
06/01/2016			13,845.00	155,033.75	2014
12/01/2016	130,000	3.900	13,845.00		
06/01/2017			11,310.00	155,155.00	2015
12/01/2017	135,000	3.900	11,310.00		
06/01/2018			8,677.50	154,987.50	2016
12/01/2018	140,000	3.900	8,677.50		
06/01/2019			5,947.50	154,625.00	2017
12/01/2019	150,000	3.900	5,947.50		
06/01/2020			3,022.50	158,970.00	2018
12/01/2020	155,000	3.900	3,022.50	158,022.50	2019

WHEREAS, said bonds were issued and sold in order for said County Board to gain revenue for the purpose of altering, repairing and equipping County buildings, and

WHEREAS, a copy of the Ordinance as passed by the Coles County Board was duly filed with the County Clerk of Coles County, Illinois, for the purpose of a tax being levied to produce sufficient revenue for the redemption of said bonds as they mature, all in accordance with the provisions of the statutes of Illinois applicable thereto, and

WHEREAS, said County Board will have funds arising from other sources of revenue, particularly from receipts of general sales taxes as the alternate revenue source, which may lawfully be used for the retirement of said bonds, issued October 12, 2010, maturing in 2017, together with interest thereon all bonds of said issue of October 12, 2010, due and payable during the year 2017.

NOW, THEREFORE BE IT RESOLVED by the Coles County Board that the County Clerk of Coles County, Illinois, shall abate the levy for the payment of said general obligation bonds of October 12, 2010, for the year 2017.

DATED this \_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_ Clerk

State of Illinois        )  
                                   )  
 County of Coles        )

**RESOLUTION TO ABATE TAX LEVY**

WHEREAS, the Coles County Public Building Commission did on December 6, 1996 issue public building revenue bonds totaling \$600,000 denomination of \$5,000 due serially on December 1 in each of the years in the amount and bearing interest as follows:

<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>	<u>RATE</u>	<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>	<u>RATE</u>
1998	\$10,000	5.75%	2010	\$ 25,000	5.75%
1999	10,000	5.75	2011	25,000	5.75
2000	15,000	5.75	2012	25,000	5.75
2001	15,000	5.75	2013	30,000	5.75
2002	15,000	5.75	2014	30,000	5.75
2003	15,000	5.75	2015	30,000	5.75
2004	15,000	5.75	2016	35,000	5.75
2005	20,000	5.75	2017	35,000	5.75
2006	20,000	5.75	2018	40,000	5.75
2007	20,000	5.75	2019	40,000	5.75
2008	20,000	5.75	2020	45,000	5.75
2009	20,000	5.75	2021	45,000	5.75

WHEREAS, said bonds were issued and sold in order for said Commission to gain revenue for the construction, acquisition and installation of the Office of the Regional Superintendent of Schools, and

WHEREAS, a copy of the Ordinance as passed by the Coles County Board was duly filed with the County Clerk of Coles County, Illinois, for the purpose of a tax being levied to produce sufficient revenue for the redemption of said bonds as they mature, all in accordance with the provisions of the statutes of Illinois applicable thereto, and

WHEREAS, said Commission will have funds arising from other sources of revenue, particularly from the income derived from an intergovernmental agreement among the Counties of Clark, Coles, Cumberland, Douglas, Moultrie and Shelby, which may lawfully be used for the retirement of said bonds, issued December 6, 1996, maturing in 2017, together with interest thereon all bonds of said issue of December 6, 1996, due and payable during the year 2017.

NOW, THEREFORE BE IT RESOLVED by the Coles County Board that the County Clerk of Coles County, Illinois, shall abate the levy for the payment of said public revenue bonds of December 6, 1996, for the year 2017.

DATED this \_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_ Clerk

**RESOLUTION TO APPROPRIATE FUNDS FOR SALARY AND EXPENSES  
OF THE COLES COUNTY ENGINEER**

17-00000-00-CS

**WHEREAS**, the County Board of Coles County has adopted a resolution establishing the salary of the County Engineer to be one-hundred (100%) percent of the recommended salary for the County Engineer as determined annually by the Illinois Department of Transportation, and

**WHEREAS**, the County Board of Coles County has entered into an agreement with the Illinois Department of Transportation for transfer of federal funds to pay one-half of the salary paid to the County Engineer.

**THEREFORE, BE IT RESOLVED**, by the Coles County Board, that the sum of One hundred ten thousand four hundred dollars and zero cents (\$ 110,400.00) for salary, and the sum of Three thousand dollars and zero cents (\$ 3,000.00) for estimated expenses of the County Engineer, and it is hereby appropriated from Motor Fuel Tax funds for the period beginning January 1, 2017 and ending December 31, 2017 and,

**BE IT FURTHER RESOLVED**, that the County hereby authorizes the sum of Fifty-five thousand two hundred dollars and zero cents (\$ 55,200.00) of their Surface Transportation Program Funds to be made available to the Department of Transportation, State of Illinois for the State's use in exchange for an equal amount of State funds. The State funds shall not exceed fifty percent (50%) of the County Engineer's annual salary.

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APPROVED;

\_\_\_\_\_, 20\_\_\_\_  
Region Four Engineer/District 7  
Department of Transportation

STATE OF ILLINOIS  
COUNTY OF COLES

I, Sue Rennels, County Clerk in and for said County of Coles in the State of Illinois, and a keeper of the records and files thereof, as provided by statute, do hereby certify the forgoing to be a true, perfect and complete copy of a resolution adopted by the County Board of Coles County, at its adjourned meeting held at the Coles County Courthouse on December 13, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in \_\_\_\_\_, in said County, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
COLES COUNTY CLERK (SEAL)

**I certify that the correct TIN for Coles County is 37-6000640**  
**Legal Status: Governmental**



RESOLVED, by the County board of   Coles   County, that   \$700,000.00   is appropriated from the Motor Fuel Tax allotment for the maintenance on county or State highways and meeting the requirements of the Illinois Highway Code, and be it further

RESOLVED, that maintenance sections or patrols be maintained under the provision of said Illinois Highway Code beginning   January 1, 2017   and ending   December 31, 2017  , and be it further

RESOLVED, that the County Engineer/County Superintendent of Highways shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in funds authorized for expenditure by said Department under this appropriation, and be it further

RESOLVED, that the County Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

STATE OF ILLINOIS

  Coles   County, } ss.

I,   Sue Rennels   County Clerk, in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of

  Coles   County, at its   regular monthly  

meeting held at   the Coles County Courthouse, 651 Jackson Street, Charleston, IL 61920  

on   December 13, 2016    
Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in   Charleston, Illinois  

in said County, this   13th   day of   December   A.D.   2016  


(SEAL)

County Clerk

<b>Approved</b>
_____
Regional Engineer Department of Transportation
_____
Date

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Municipality Coles County Highway Dept	<b>L O C A L  A G E N C Y</b>	 <b>Illinois Department of Transportation</b>  <b>Preliminary Engineering Services Agreement For Motor Fuel Tax Funds</b>	<b>C O N S U L T A N T</b>	Name The Upchurch Group, Inc.
Township Lafayette				Address 123 N. 15 <sup>th</sup> Street
County Coles				City Mattoon
Section				State IL

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the improvement of the above SECTION. Motor Fuel Tax Funds, allotted to the LA by the State of Illinois under the general supervision of the State Department of Transportation, hereinafter called the "DEPARTMENT", will be used entirely or in part to finance ENGINEERING services as described under AGREEMENT PROVISIONS.

#### Section Description

Name Odd Fellows Road over Kickapoo Creek

Route Co Hwy 27 Length \_\_\_\_\_ Mi. 1100 FT (Structure No. 015-3205 )

Termini 0.4 miles north of Old State Road, Lafayette Township NE ¼ of Sec 19, T12N, R8E 3<sup>rd</sup> PM

Description: Bridge Removal, Replacement, and roadway approach work

#### Agreement Provisions

##### The Engineer Agrees,

1. To perform or be responsible for the performance of the following engineering services for the LA, in connection with the proposed improvements herein before described, and checked below:
  - a.  Make such detailed surveys as are necessary for the preparation of detailed roadway plans.
  - b.  Make stream and flood plain hydraulic surveys and gather high water data, and flood histories for the preparation of detailed bridge plans.
  - c.  Make or cause to be made such soil surveys or subsurface investigations including borings and soil profiles and analyses thereof as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations are to be made in accordance with the current requirements of the DEPARTMENT.
  - d.  Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
  - e.  Prepare Army Corps of Engineers Permit, Department of Natural Resources-Office of Water Resources Permit, Bridge waterway sketch, and/or Channel Change sketch, Utility plan and locations, and Railroad Crossing work agreements.
  - f.  Prepare Preliminary Bridge design and Hydraulic Report, (including economic analysis of bridge or culvert types) and high water effects on roadway overflows and bridge approaches
  - g.  Make complete general and detailed plans, special provisions, proposals and estimates of cost and furnish the LA with five (5) copies of the plans, special provisions, proposals and estimates. Additional copies of any or all documents, if required, shall be furnished to the LA by the ENGINEER at his actual cost for reproduction.
  - h.  Furnish the LA with survey and drafts in quadruplicate of all necessary right-of-way dedications, construction easement and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

Note: Four copies to be submitted to the Regional Engineer

- i.  Assist the LA in the tabulation and interpretation of the contractors' proposals
- j.  Prepare the necessary environmental documents in accordance with the procedures adopted by the DEPARTMENT's Bureau of Local Roads & Streets.
- k.  Prepare the Project Development Report when required by the DEPARTMENT.

- (2) That all reports, plans, plats and special provisions to be furnished by the ENGINEER pursuant to the AGREEMENT, will be in accordance with current standard specifications and policies of the DEPARTMENT. It is being understood that all such reports, plats, plans and drafts shall, before being finally accepted, be subject to approval by the LA and the DEPARTMENT.
- (3) To attend conferences at any reasonable time when requested to do so by representatives of the LA or the Department.
- (4) In the event plans or surveys are found to be in error during construction of the SECTION and revisions of the plans or survey corrections are necessary, the ENGINEER agrees that he will perform such work without expense to the LA, even though final payment has been received by him. He shall give immediate attention to these changes so there will be a minimum delay to the Contractor.
- (5) That basic survey notes and sketches, charts, computations and other data prepared or obtained by the Engineer pursuant to this AGREEMENT will be made available, upon request, to the LA or the DEPARTMENT without cost and without restriction or limitations as to their use.
- (6) That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by him and will show his professional seal where such is required by law.

**The LA Agrees,**

1. To pay the ENGINEER as compensation for all services performed as stipulated in paragraphs 1a, 1b, 1c, 1e, 1f, 1g, 1h, 1i, 1k, 2, 3, 5 and 6 in accordance with one of the following methods indicated by a check mark:

- a.  A sum of money equal to \_\_\_\_\_ percent of the awarded contract cost of the proposed improvement as approved by the DEPARTMENT.
- b.  A sum of money equal to the percent of the awarded contract cost for the proposed improvement as approved by the DEPARTMENT based on the following schedule.

Schedule for Percentages Based on Awarded Contract Cost

Awarded Cost	Percentage Fees	
	Under	\$50,000
First \$50,000	10.00	(see note)
Next \$50,000	10.00	%
Next \$100,00	7.75	%
Next \$200,000	6.50	%
Next \$200,000	5.60	%
Next \$200,000	5.20	%

Note: Not necessarily a percentage. Could use per diem, cost-plus or lump sum.

- c.  On the basis of the following compensation formula:

Cost Plus Fixed Fee  CPFF = 14.5%[DL + R(DL) + 1.4(DL) + IHDC], NOT TO EXCEED \$38,935.09 WITHOUT PRIOR AUTHORIZATION OF THE LA.

2. To pay for services stipulated in paragraphs ~~1b~~, ~~1e~~, ~~1d~~, ~~1e~~, ~~1f~~, ~~1h~~, ~~1j~~ & ~~1k~~ of the ENGINEER AGREES at actual cost of performing such work plus 180 percent to cover profit, overhead and readiness to serve - "actual cost" being defined as material cost plus payrolls, insurance, social security and retirement deductions. Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost. Subject to the approval of the LA, the ENGINEER may sublet all or part of the services provided under the paragraph ~~1b~~, ~~1c~~, ~~1d~~, ~~1e~~, ~~1f~~, ~~1h~~, ~~1j~~ & ~~1k~~. If the ENGINEER sublets all or part of this work, the LA will pay the cost to the ENGINEER plus a five (5) percent service charge.

"Cost to Engineer" to be verified by furnishing the LA and the DEPARTMENT copies of invoices from the party doing the work. The classifications of the employees used in the work should be consistent with the employee classifications for the services performed. If the personnel of the firm, including the Principal Engineer, perform routine services that should normally be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the work performed.



ATTEST:

State of Illinois, acting by and through its

By \_\_\_\_\_  
Clerk  
(Seal)

County Board  
By \_\_\_\_\_  
Title Chairman, Coles County Board

Executed by the ENGINEER:

The Upchurch Group, Inc.  
123 North 15<sup>th</sup> Street  
Mattoon, Illinois, 61920

ATTEST:

By Robt Hul  
Title Secretary

By Mark E. Duggin  
Title Director of Civil Engineering

<b>Approved</b>
_____
Date
Department of Transportation
_____
Regional Engineer