



TO: Committee of the Whole-Community Services

MEMO

FROM: Rahat Bari, City Engineer

DATE: February 19, 2021

RE: 1. Resolution 21-020-R: Authorizing rescind of MFT fund expenditure for 2020 Resurfacing program in the amount of \$1,475,000; 2. Resolution 21-021-R: Authorizing using Street Improvement Capital Fund for 2020 resurfacing program in the amount of \$1,448,947.01; 3. Resolution 21-022-R: Authorizing BLR 14220 to allocate \$1,450,000.00 MFT fund towards Main street reconstruction project

Background

On July 20, 2020, the City Council approved Resolution 20-092-R authorizing \$1,475,000 Motor Fuel Tax (MFT) fund to be used for 2020 street resurfacing program. Since then, the street resurfacing program has been completed and the final cost of that program is \$1,448,971.01 which is less than the bid amount. On November 19, 2018, the City Council approved a Local Agency Agreement with Illinois Department of Transportation (IDOT) committing to fund the local portion of that project. Main Street project is currently on-going and expected to complete in July 2021. On July 10, 2014, the City of Batavia was awarded an IDOT grant for \$7.5 million to be used for our various resurfacing program as well as portion of Main Street reconstruction project.

Discussion

IDOT grant of \$7.5 million is a reimbursable grant. One of the conditions of the grant is that the City is eligible to get reimbursed only on those projects that were reviewed and approved by IDOT. As a result, the City selected to spend the grant money on street resurfacing program as well as big IDOT let projects such as Prairie Street and Main Street. The City has some flexibility of selecting projects hence the City elected to choose a combination of street resurfacing program and reconstruction projects. Since 2014, the City has been completing projects and requesting reimbursement from IDOT. Another condition of the grant is that once we select the contractor, we can seek 95% reimbursement of awarded amount for that project. The last project that we needed to seek reimbursement is the Main Street Reconstruction project. As we have started the Main Street reconstruction project in April 2020, we have requested IDOT to reimburse the remaining amount. 95% of local portion of Main Street reconstruction would exceed the total grant amount hence we were seeking remaining of \$7.5 million that the City is owed. However, IDOT has informed us that as this is the last reimbursement of the entire \$7.5 million grant, they will wait till the project is completed and closed by IDOT. In our estimate, Main Street will not be completely closed by IDOT before middle of 2023 even though the construction will be completed in July 2021. Our experience with IDOT is that it takes 18-24 months to completely close out a project which means auditing the project, final billing to local agency and so on.

In light of IDOT's position on final reimbursement, staff's opinion is that the City should not wait another three years to seek remaining reimbursement from IDOT. Waiting three years has another wrinkle to it- the agreement with IDOT will expire in June 2022. In fact, the original agreement expired in June 2020 however we have requested and received an extension till June 2022. As we have some

flexibility in choosing the project to be reimbursed, staff determines that 2020 Street Program is the best candidate to close out the grant with IDOT. 2020 Street program was approved by the City Council to use MFT fund. As a result, IDOT reviewed the project and approved the project for construction. We have completed the project and have submitted all paperwork to IDOT for approval in early February 2021. We are expecting the approval of that project from IDOT very soon. Once the project is approved, we should be able to seek final grant reimbursement from IDOT as the 2020 street resurfacing project is approved and closed out by IDOT.

Staff is requesting the City Council to approve a budgeted amount swap between 2020 Street Resurfacing Program and Main Street reconstruction project. An accounting adjustment will be completed by the Finance department to show that 2020 Street program (\$1,448,947.01) was funded through Street Improvement Capital Fund (43). Similarly, the \$1,450,000.00 local portion of Main Street reconstruction will be funded from MFT fund. Three resolutions presented with this memo accomplishes exactly what has been described above- Resolution 21-20-R rescinds the original approval of MFT fund for 2020 resurfacing program. Resolution 21-21 -R allocates Street Improvement Capital Fund for 2020 Street resurfacing program. Lastly, Resolution 21-22-R allocates MFT money to be used for Main Street reconstruction project.

Staff recommendations:

Staff recommends approval of -

1. Resolution 21-020-R: Authorizing rescind of MFT fund expenditure for 2020 Resurfacing program in the amount of \$1,475,000.
2. Resolution 21-021-R: Authorizing using Street improvement Capital Fund for 2020 resurfacing program in the amount of \$1,448,947.01.
3. Resolution 21-022-R: Authorizing BLR 14220 to allocate \$1,450,000.00 MFT fund towards Main street reconstruction project

Attachments:

1. Resolution 21-20-R
2. Resolution 21-21-R
3. Resolution 21-22-R
4. Resolution for Maintenance Under the Illinois Highway Code (BLR 14220)

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 21-020-R**

**RESCINDING MOTOR FUEL TAX (MFT) FUND IN THE AMOUNT OF \$1,475,000
FOR 2020 STREET RESURFACING PROGRAM**

WHEREAS, the City of Batavia had identified the need for implementation of construction of 2020 Street Resurfacing Program; and

WHEREAS, the City of Batavia awarded 2020 Street Resurfacing program to Builders Paving LLC in the amount of \$1,475,000; and

WHEREAS, the final construction cost of the project is \$1,448,947.01; and

WHEREAS, the City of Batavia authorized to use MFT fund for the project through Resolution 20-092-R; and

WHEREAS, the City of Batavia determines that it is beneficial to use Street Improvement Capital Fund instead of MFT Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: That the City Council is hereby rescinding MFT Fund in the amount of \$1475,000.00 to use for 2020 Street Resurfacing Program.

CITY OF BATAVIA, ILLINOIS RESOLUTION 21-020-R

PRESENTED to the City Council of the City of Batavia, Illinois, this 1st day of March 2021.

PASSED by the City Council of the City of Batavia, Illinois, this 1st day of March 2021.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 1st day of March 2021.

Jeffery D. Schielke, Mayor

Ward	Aldersperson	Ayes	Nays	Absent	Abstain	Aldersperson	Ayes	Nays		Absent	Abstain
1	O'Brien					Baerren					
2	Callahan					Wolff					
3	Meitzler					Chanzit					
4	Malay					Knopp					
5	Uher					Beck					
6	Cerone					Russotto					
7	McFadden					Miller					
Mayor Schielke											
VOTE:		Ayes		Nays		Absent		Abstentions			
Total holding office:		Mayor and 14 aldermen									

ATTEST:

Ellen Posledni, City Clerk

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 21-021-R**

**AUTHORIZING STREET IMPROVEMENT CAPITAL FUND IN THE AMOUNT OF \$1,448,947.01
FOR 2020 STREET RESURFACING PROGRAM**

WHEREAS, the City of Batavia had identified the need for implementation of construction of 2020 Street Resurfacing Program; and

WHEREAS, the City of Batavia awarded 2020 Street Resurfacing program to Builders Paving LLC in the amount of \$1,475,000; and

WHEREAS, the final construction cost of the project is \$1,448,947.01; and

WHEREAS, the City of Batavia authorized to use MFT fund for the project; and

WHEREAS, the City of Batavia determines that it is beneficial to use Street Improvement Capital Fund instead of MFT Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: That the Staff is hereby authorized to use Street Improvement Capital Fund in the amount of \$1,448,947.01 for 2020 Street Resurfacing Program.

CITY OF BATAVIA, ILLINOIS RESOLUTION 21-021-R

PRESENTED to the City Council of the City of Batavia, Illinois, this 1st day of March 2021.

PASSED by the City Council of the City of Batavia, Illinois, this 1st day of March 2021.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 1st day of March 2021.

Jeffery D. Schielke, Mayor

Ward	Aldersperson	Ayes	Nays	Absent	Abstain	Aldersperson	Ayes	Nays		Absent	Abstain
1	O'Brien					Baerren					
2	Callahan					Wolff					
3	Meitzler					Chanzit					
4	Malay					Knopp					
5	Uher					Beck					
6	Cerone					Russotto					
7	McFadden					Miller					
Mayor Schielke											
VOTE:		Ayes		Nays		Absent		Abstentions			
Total holding office:		Mayor and 14 aldermen									

ATTEST:

Ellen Posledni, City Clerk

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 21-022-R**

**AUTHORIZING MOTOR FUEL TAX FUND (MFT) IN THE AMOUNT OF \$1,450,000.00 FOR
MAIN STREET RECONSTRUCTION PROJECT**

WHEREAS, the City of Batavia had identified the need for Main Street Reconstruction project from Water Street to Van Nortwick Street; and

WHEREAS, the City of Batavia executed a Local Agency Agreement with Illinois Department of Transportation (IDOT) to fund the local share of the Project; and

WHEREAS, Main Street Reconstruction project is currently on-going and expected to complete in July 2021; and

WHEREAS, IDOT will seek reimbursement from the City of Batavia before and after the completion of Main Street Reconstruction Project; and

WHEREAS, the City of Batavia determines that it is beneficial to use MFT Fund to reimburse a portion of the local share that will be due to IDOT;

WHEREAS, the City of Batavia is required to Adopt IDOT Resolution (BLR 14220 form) to appropriate \$1,450,000 from the state Motor Fuel Tax (MFT) fund;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: That the Mayor and City Clerk are hereby authorized to execute the IDOT Resolution for Maintenance Under the Illinois Highway Code (BLR 14220) attached hereto as Exhibit "1".

CITY OF BATAVIA, ILLINOIS RESOLUTION 21-022-R

PRESENTED to the City Council of the City of Batavia, Illinois, this 1st day of March 2021.

PASSED by the City Council of the City of Batavia, Illinois, this 1st day of March 2021.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 1st day of March 2021.

Jeffery D. Schielke, Mayor

Ward	Aldersperson	Ayes	Nays	Absent	Abstain	Aldersperson	Ayes	Nays		Absent	Abstain
1	O'Brien					Baerren					
2	Callahan					Wolff					
3	Meitzler					Chanzit					
4	Malay					Knopp					
5	Uher					Beck					
6	Cerone					Russotto					
7	McFadden					Miller					
Mayor Schielke											
VOTE:		Ayes		Nays		Absent		Abstentions			
Total holding office:		Mayor and 14 aldermen									

ATTEST:

Ellen Posledni, City Clerk

EXHIBIT 1



Resolution for Maintenance Under the Illinois Highway Code



Resolution Number: 21-022-R, Resolution Type: Original, Section Number: 12-00073-02-FP

BE IT RESOLVED, by the Council of the City of Batavia, Illinois that there is hereby appropriated the sum of One Million

Four Hundred Fifty thousands Dollars (\$1,450,000.00)

of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of Illinois Highway Code from 03/01/20 to 06/30/22.

BE IT FURTHER RESOLVED, that only those operations as listed and described on the approved Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that City of Batavia shall submit within three months after the end of the maintenance period as stated above, to the Department of Transportation, on forms available from the Department, a certified statement showing expenditures and the balances remaining in the funds authorized for expenditure by the Department under this appropriation, and

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I Ellen Poslendi, Clerk in and for said City of Batavia in the State of Illinois, 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

Council of Batavia at a meeting held on 03/01/21.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this day of Month, Year.

(SEAL)

Clerk Signature box

APPROVED

Regional Engineer Department of Transportation and Date boxes

Instructions for BLR 14220

This form shall be used when a Local Public Agency (LPA) wants to perform maintenance operations using Motor Fuel Tax (MFT) funds. Refer to Chapter 14 of the Bureau of Local Roads and Streets Manual (BLRS Manual) for more detailed information. This form is to be used by a Municipality or a County. Road Districts will use BLR 14221. For signature requirements refer to Chapter 2, Section 3.05(b) of the BLRS Manual.

When filling out this form electronically, once a field is initially completed, fields requiring the same information will be auto-populated.

Resolution Number	Insert the resolution number as assigned by the LPA, if applicable.
Resolution Type	From the drop down box, choose the type of resolution: -Original would be used when passing a resolution for the first time for this project. -Supplemental would be used when passing a resolution increasing appropriation above previously passed resolutions. -Amended would be used when a previously passed resolution is being amended.
Section Number	Insert the section number of the improvement covered by the resolution.
Governing Body Type	From the drop down box choose the type of administrative body. Choose Board for County; Council or President and Board of Trustees for a City, Village or Town.
LPA Type	From the drop down box choose the LPA body type; County, City, Town or Village.
Name of LPA	Insert the name of the LPA.
Resolution Amount	Insert the dollar value of the resolution for maintenance to be paid for with MFT funds in words, followed by the same amount in numerical format in the ().
Beginning Date	Insert the beginning date of the maintenance period. Maintenance periods must be a 12 or 24 month consecutive period.
Ending Date	Insert the ending date of the maintenance period.
LPA Type	From the drop down box choose the LPA body type; County, City, Town or Village.
Name of LPA	Insert the name of the LPA.
Name of Clerk	Insert the name of the LPA Clerk.
LPA Type	From the drop down box choose the LPA body type; County, City, Town or Village.
LPA Type	From the drop down box choose the LPA body type; County, City, Town or Village.
Name of LPA	Insert the name of the LPA.
Governing Body Type	From the drop down box choose the type of administrative body. Choose Board for County; Council or President and Board of Trustees for a City, Village or Town.
Name of LPA	Insert the name of the LPA.
Date	Insert the date of the meeting.
Day	Insert the day the Clerk signed the document.
Month, Year	Insert the month and year of the clerk's signature.
Clerk Signature	Clerk shall sign here.
Approved	The Department of Transportation representative shall sign and date here upon approval.

Three (3) certified signed originals must be submitted to the Regional Engineer's District office. Following IDOT's approval, distribution will be as follows:

Local Public Agency Clerk
Engineer (Municipal, Consultant or County)
District