

Jo-Carroll Depot LRA Board of Directors
18901 B Street
Savanna Depot Business, Industry & Technology Park
Savanna, IL 61074

3:00 p.m., Wednesday, August 5th, 2020

Zoom Meeting

<https://us02web.zoom.us/j/5791926975>

Meeting ID: 579 192 6975

1. Call to Order – Chairman Steve Keeffer called the August 5th, 2020 Board of Directors meeting to order at 3:02 pm.

2. Roll Call – was answered as follows: Present – Steve Keeffer, Bill Wright, Kevin Reibel, Paul Hartman, Ron Smith, Bill McFadden, Bill Robinson, Don Crawford.

Staff present: Mara Roche, Rob Davies.

Others present: Scott Lombardo, Bill Sindlinger (Midwest 3PL legal counsel).

Attorney Phil Jensen was present.

3. Pledge of Allegiance was recited

4. Agenda Additions – None.

5. Approval of Meeting Minutes – Draft meeting minutes of the meeting held on July 1st were presented for review. **Bill Robinson made a motion to approve the minutes. Bill McFadden. Motion passed by voice vote.**

6. Old Business

A.) Grant Update – Mrs. Roche said that Capt. Jeff Monroe of the International Association of Maritime Port Executives would be completing the final strategic review following his visit to the depot.

Mrs. Roche said that the information gathered by Capt. Monroe would be added to both the LRA's transition and re-use plans.

Mrs. Roche said Capt. Monroe would be delivering his report by early September.

Once all the initial planning documents were included in the plans, the LRA would – at the board’s agreement – move forward with a new grant from MARAD.

7. New Business

A. Bills over \$2,500: None

Staff Reports

1. Executive Director

a. Report/issues updates – Mrs. Roche noted that the Bison Aero space property was being surveyed following discussions re the Crim Drive right-of-way at the last board meeting.

The survey expense will be reimbursed as part of the closing process as it has been for all other ten ant transfers.

Mr. Jensen’s report would deal specifically with the scale in the Crim Drive ROW.

b. Correspondence – None.

c. Property transfers – None.

d. Employment report – July 2020 employment report: 73 employees. July 2019 – 81.

2. Deputy Director – None.

3. Bookkeeping

3. Bookkeeping

- a. Balances – As of 7/31/20 the LRA bank account balance is \$624,580.20.
- b. CD Transfers – One CD due September 13, to the value of \$110 000. Mrs. Roche suggested that the CD be split.
- c. Cash flow – Income for the month of July was: \$2136.96

Expenses for the month of July were: \$74,942.51

Mrs. Roche said that an additional reimbursement request with OEA was pending.

- d. Budget Update – Income for the FY is \$221, 777. and expenses are \$298,399 for a loss of (\$76,723) to date.

e. Water/Sewer Income vs. Expenses – \$75 income for the month of July.

Expenses for the month of July were \$3835.11, \$3100 was for utilities, mostly electricity.

Income YTD is \$5,455.68 and expenses are \$34,394.79 Deficit to date = (\$28,939.11).

D. Outstanding Invoices – None, but water and sewer bills for the past few quarters will be forthcoming.

E. Board of Directors Reports

- 1. Foreign Trade Zone #271 – None.
- 2. Enterprise Zone - No report.
- 3. Other directors' reports – None.

F. Attorney's Report – Discussion around the situation regarding Midwest 3PL's alleged encroachment on the Crim Drive county road right-of-way

following the construction of a truck scale in front of the Midwest 3PL property.

Mr. Jensen noted that he had provided the board with a follow-up letter.

Mr. Jensen said that he had been in correspondence with the Army's attorney regarding the matter.

He added that he could provide seven operative facts:

- 1.) The army has not conveyed the roadways to the LRA or the Counties
- 2.) The Army retains legal ownership of the roads, and correspondingly, retains jurisdiction
- 3.) Roadways are absent from the lease and furtherance of conveyance between the LRA and Army
- 4.) The MOA with the Army imposes upon the LRA maintenance obligations for the roadways
- 5.) It is clear that Midwest 3PL has installed the scale without obtaining permission from the Army or the LRA
- 6.) The LRA does not have jurisdiction to order Midwest 3PL to remove the scale encroaching on the Crim Drive ROW, because it does not have a possessory interest. Maintenance doesn't carry with it jurisdiction.
- 7.) The MOA and Lease and Furtherance of Conveyance contemplate that the roads in the former Depot would ultimately be public roadways.

Mr. Jensen further explained that Midwest 3PL did not follow the stipulations set by the MOA and lease of furtherance and conveyance in respect of new construction.

Mr. Jensen said the fact that the LRA has maintenance obligations in respect to the roadway, it does not have jurisdiction.

Mr. Jensen added that in 2001 Carroll County started the process of dedicating the roads in the depot as public roads and adding them to the Carroll County roadway system. Carroll County has since that time started asserting jurisdiction over the roadways, however, Mr. Jensen believes this is in error.

Mr. Jensen added that Carroll County has assumed jurisdiction and is therefore submitting that the scale encroaches on its right-of-way.

Mr. Jensen said that neither the LRA or Carroll County have defined the right-of-way

and that the Army would not have done so, either – as it owned all the property along the roadway.

Mr. Jensen said that he believed the Army and Midwest 3PL would have to come to some kind of decision over the scale issue and that neither the LRA, nor the County had the jurisdiction to address the issue.

Mr. Jensen said Mr. Tommy Williamson – the attorney for the Army COE – suggested that all the roads be surveyed.

Mr. Jensen added that the Carroll Co. threat to vacate the roads may be troublesome since it did not ever have jurisdiction over the roads.

Mr. Jensen said the way to move forward would be for the Army to survey the roads, since neither the County, nor the LRA have lawful jurisdiction over the roads.

Mr. Keeffer asked whether the roads in Jo Daviess Co. had been transferred to the County. Mrs. Roche said that they had been.

Mrs. Roche added that some of the roads in Carroll Co. had been transferred also.

Mr. Keeffer said that Jo Daviess Co. owns the roads and property (right-of-way/pavement) in its footprint.

Carroll County, Mr. Keeffer said appeared to have received the roads as a conveyance and does not own the underlying fee/property. Carroll Co. does not have a deed, but a conveyance.

Mr. Jensen said he was confident that the LRA and Carroll County have no jurisdiction over roadways that have not been conveyed by deed.

Mr. Keeffer asked whether Carroll County would accept the roads when all the roads have been conveyed.

Mr. Reibel said that that decision would not be taken by the current county board, but by a new board. Mr. Reibel said the county would want to formalize the next steps in the vacation with the IL DOT.

Mr. Reibel added that a public hearing would be held on September 17th.

Mr. Reibel asked why the Army asked the LRA to “take care of the problem”.

Mr. Jensen answered that some individuals at the Army believe that the LRA has jurisdiction. As stated above, Mr. Jensen disagrees.

In response to a question from Mr. Hartman, Mr. Jensen said that he does not know who the Army attorneys are that conclude that the LRA has jurisdiction.

Mr. Jensen said that it was clear that Midwest 3PL needed permission from the Army for construction or improvements on property owned by the Army, since the property has not been transferred.

Discussion then centered around how the LRA would step into the breach insofar as maintenance is concerned if Carroll County does decide to vacate the roads. Mr. Keeffer stressed that the roads in the depot should remain public in some way or another.

Mr. Jensen said he would reach out to the Carroll County attorney.

F. Other new business – Formal Policy on Covid-19 requirements. Mrs. Roche suggested that the guidelines put out by the Public Assistance Coordinator for Open Meetings Act and FOIA be followed, viz. social distancing and having meetings remotely where possible.

The board agreed to use Zoom for online resources for the short-term future.

8. Reports to the Board

A. Site Manager / BRAC Environmental Coordinator – none.

B. Tenants – none.

C. UMRI Port District – none.

D. USFWS – none

E. Water/Sewer Operator Update – Nothing to report.

F. Guests – Mr. Scott Lombardo wanted to know whether he and his tenant could use the gate at Riefsteck Rd and Crim Dr to access his property. Mrs. Roche said that she and Mr. Lombardo would work together to see how best to facilitate access to the property via the gate.

9. Public Comments – None

12. Adjournment – 4:36 pm Mr. Hartman made a motion, seconded by Mr. Smith, to adjourn the August 5th, 2020 Board of Directors meeting. Motion passed by voice vote.