

**VILLAGE OF VOLO  
MINUTES OF THE BI-MONTHLY  
BOARD OF TRUSTEE MEETING  
SEPTEMBER 25, 2007**

7:30 P.M.: Meeting was Called to Order  
Pledge to the Flag  
Roll Call

Present: President Burnell Russell  
Trustee Buschick  
Trustee Crow  
Trustee Evans  
Trustee Porter  
Trustee Wegener

Absent: Trustee Wagner

President Russell declared a quorum present.

Other Staff in attendance were Village Administrator Ken Buchardt, Village Attorney Nancy Harbottle, Village Technical Administrator Eric Tison, Peter Stoehr of Manhard Consultig, Village Clerk Judith Rutishauser, Chairperson Elizabeth Wertke of the Planning Commission, Plan Commissioner Theresa Arpino and Mr. Nate Wynsma of Remington Homes. Also present were members of the public. (See attached sign in sheet.)

**COMMENTS FROM RESIDENTS**

Chairperson Elizabeth Wertke commented on the Volofest and thanked everyone involved in organizing the event.

**COMMENTS FROM GUESTS OUTSIDE THE VILLAGE**

Mr. Richard Hartman inquired about a bill sent by the Forest Preserve to the Village of Volo in the amount of approximately \$12,000 to \$15,000.00. Village President Russell responded that the bill in the amount of approximately \$13,000.00 had been received and paid by the Village.

**PRESIDENT'S REPORT**

1. Snow Plowing Contract Revisions

Village Attorney Nancy Harbottle reviewed the terms of the contract with the Board of Trustees.

**MOTION WAS MADE BY TRUSTEE WEGENER AND SECONDED BY TRUSTEE CROW TO APPROVE THE REVISED CONTRACT WITH GRATZ OUTDOOR SERVICES FOR AN INCREASE OF \$200.00 PER MONTH DUE TO RISING COSTS IN FUEL, LABOR, SALT AND OTHER OPERATING COSTS.**

**ROLL CALL VOTE:**

<b>TRUSTEE BUSCHICK</b>	<b>AYE</b>
<b>TRUSTEE CROW</b>	<b>AYE</b>
<b>TRUSTEE EVANS</b>	<b>AYE</b>
<b>TRUSTEE PORTER</b>	<b>AYE</b>
<b>TRUSTEE WAGNER</b>	<b>ABSENT</b>
<b>TRUSTEE WEGENER</b>	<b>AYE</b>

**AYES – 5, NAYS – 0, ABSENT – 1**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

2. **Water Quality Sampling Results for Fish Lake and Fischer Lake**

Ms. Shari Albuck of Manhard Consulting reviewed, with the Board of Trustees, a report which she had distributed for each member. The purpose of this Water Quality Report is to provide continued monitoring of sediment runoff associated with area development, adjacent and tributary to the Fish Lake Drain Watershed in Volo, IL. for the most part, the report has shown an overall improvement in the Volo area.

A copy of the above mentioned report is attached.

Discussion followed.

**MOTION WAS MADE BY TRUSTEE EVANS AND SECONDED BY TRUSTEE CROW TO ACCEPT THE VILLAGE PRESIDENT'S REPORT AND PLACE IT ON FILE. VOICE VOTE: ALL AYES. PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

**Attorney's Report – Village Attorney Nancy Harbottle**

1. **Remington SSA No. 8**

Village Attorney Nancy Harbottle introduced Mr. Nate Wynsma of Remington Homes, who then proceeded to present a revised plan for the preliminary plat of subdivision.

The subject of tonight's presentation is predominantly the northern portion of the development, located on the west side of Route 12 bordered on the north by Brandenburg Road. The property contiguous to Route 12 is the future commercial site. The property affected is mainly where the Cornerstone homes would have been located on the original preliminary plat (both east and west of Brandenburg Road).

When the developer began their mass grading of a portion of the site, it was discovered that the site had, at some time, been used as a fill by the excavating company on the contiguous property and the ground is now, for the most part, unbuildable as far as underground utilities, roads and homes.

The developer has revised the plan of the northern 3 ½ acres of land, moving the park site to the area west of Brandenburg Road and removing the homes from that property, reducing the number of Cornerstone lots from 65 to 62 total and increasing the number of single family lots of 10,000 square feet by 3. There will be 245 lots overall. The park has been increased from 3 ½ acres to approximately 4 ½ acres and is now located contiguous to approximately 35 to 40 acres of open space.

Discussion followed.

When the revised preliminary plat is prepared, it will be sent to the Plan Commission on approval and then come before the Board for Approval also.

2. Meadow Equipment – Settlement and Release – Motion to Approve

Earlier this year, Meadow Equipment Sales and Service, Inc. of Carol Stream, IL filed suit against the Village of Volo seeking the amount of \$30,986.69 for services rendered in regard to work arising out of the construction of the Deep Sandstone Water Well and Deep Well Submersible Pump for Well #3.

The Village's counter claim to this action alleged that Meadow Equipment negligently allowed the spillage of approximately fifteen (15) gallons of diesel motor fuel to spill upon property owned by the Home Depot Corporation, and used by Meadow as a staging/construction area. The cost of the remediation was \$28,422.12: \$16,455.18 for engineering fees, and \$12,322.12 for the actual remediation.

Negotiations have been ongoing and recently Meadow's attorney advised the Village that his clients were willing to accept the amount of \$10,000.00 in full and complete satisfaction of this claim. This was a reduction of \$20,986.69 from the amount Meadow originally sought in its lawsuit, and it would cover a substantial portion of the Village's costs to remediate the fuel spill.

The Village countered with an offer of \$8,000.00 and has settled on payment of \$9,000.00 in full and complete satisfaction of Meadow's claim.

**MOTION WAS MADE BY TRUSTEE BUSCHICK AND  
SECONDED BY TRUSTEE WEGENER TO APPROVE THE  
MUTUAL GENERAL RELEASE BETWEEN THE VILLAGE OF  
VOLO AND MEADOW EQUIPMENT SALES AND SERVICE, INC.  
AND THE SETTLEMENT AMOUNT OF \$9,000.00.**

**ROLL CALL VOTE:**

<b>TRUSTEE BUSCHICK</b>	<b>AYE</b>
<b>TRUSTEE CROW</b>	<b>AYE</b>
<b>TRUSTEE EVANS</b>	<b>AYE</b>
<b>TRUSTEE PORTER</b>	<b>AYE</b>
<b>TRUSTEE WAGNER</b>	<b>ABSENT</b>
<b>TRUSTEE WEGENER</b>	<b>AYE</b>

**AYES – 5, NAYS – 0, ABSENT – 1**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

**ORDINANCES AND RESOLUTIONS TO BE CONSIDERED**

1. A Resolution Approving Agreement for Roadway and Intersection Improvements and Authorizing Execution Thereof (Fish Lake Road,

Illinois Route 60 and Illinois Route 120)

Village Attorney Nancy Harbottle advised the Board that, after reviewing the agreement to be considered, it was decided that, because some of the language needed to be revised, it would be advisable to table the decision on this document until the October 9, 2007 Board meeting.

**MOTION WAS MADE BY TRUSTEE EVANS AND SECONDED BY TRUSTEE PORTER TO TABLE ACTION ON THE RESOLUTION APPROVING AGREEMENT FOR ROADWAY AND INTERSECTION IMPROVEMENTS AND AUTHORIZING EXECUTION THEEOF (FISH LAKE ROAD, ILLINOIS ROUTE 60 AND ILLINOIS ROUTE 120) UNTIL OCTOBER 9, 2007.**

**ROLL CALL VOTE:**

<b>TRUSTEE BUSCHICK</b>	<b>AYE</b>
<b>TRUSTEE CROW</b>	<b>AYE</b>
<b>TRUSTEE EVANS</b>	<b>AYE</b>
<b>TRUSTEE PORTER</b>	<b>AYE</b>
<b>TRUSTEE WAGNER</b>	<b>ABSENT</b>
<b>TRUSTEE WEGENER</b>	<b>AYE</b>

**AYES – 5, NAYS – 0, ABSENT – 1**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

Village Technical Administrator Eric Tison reported on the Volofest festivities. The number in attendance was approximately 212, including children. Everyone in attendance enjoyed the food and the wonderful weather.

Eric stated that some changes were already being considered for next year's celebration and reminded everyone that suggestions are always welcome.

### **ADJOURNMENT**

**MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE EVANS TO ADJOURN THE BOARD MEETING.  
VOICE VOTE: ALL AYES.  
PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

8:35 P.M.: Meeting was adjourned.

**MINUTES SUBMITTED BY** \_\_\_\_\_  
**Judith T. Rutishauser, Village Clerk**

**MINUTES APPROVED ON** \_\_\_\_\_