

**VILLAGE OF VOLO  
MINUTES OF THE BI-MONTHLY  
BOARD OF TRUSTEES MEETING  
AUGUST 25, 2009**

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

Present: President Russell  
Trustee Buschick  
Trustee Henley  
Trustee Porter  
Trustee Wagner  
Trustee Wegener

Absent: Trustee Evans

President Russell declared a quorum present.

Other Staff in attendance were Village Administrator Ken Buchardt, Village Attorney Nancy Harbottle, Village Engineer Peter Stoehr, Village Treasurer Cheryl Grolle, Village Technical Administrator Eric Tison and Village Clerk Judith Rutishauser. Members of the public were also in attendance. (See attached sign in sheet.)

**COMMENTS FROM RESIDENTS**

Mr. Ken Barnick, President of the Terra Springs Homeowners' Association, addressed the members of the Board regarding the parking situation in the Terra Springs Subdivision.

The Board of Directors of the Terra Springs Homeowners' Association have discussed two scenarios.

1. The first option is parking on only one side (the inside) of Terra Springs Circle. This would require signage on the street. Who is responsible for signage? Village or Homeowners' Association?
2. The second option is to make Terra Springs Circle a one way street.

The Board of Directors is developing a map showing the location of fire hydrants, mail boxes and street to determine the best parking spaces available on the street. The Fox Lake Fire Department and the Sheriff's Department will be

consulted for input as well. At the completion of this map, it will be presented to the Volo Board of Trustees for consideration.

Mr. Barnick requested time to finish developing this plan and in the meantime made the following suggestions:

1. The Village of Volo could adopt all streets and cul de sacs in the Terra Springs Subdivision or
2. Lower speed limit to 20 miles per hour on Hartigan Road and Terra Springs Drive and the Terra Springs community.
3. The Village could put yellow lines on Hartigan Road to clearly mark lanes of traffic.

President Russell suggested that this matter be added to the agenda for the October 27, 2009 Board meeting in order to allow the Board of Directors the necessary time to complete the plan.

#### **COMMENTS FROM GUESTS OUTSIDE VILLAGE**

There were no comments or questions from the guests outside the Village.

#### **CAMBRIDGE – SYMPHONY MEADOWS**

Mr. Eric Sampson, the Land Development Manager for Cambridge Homes was attending tonight's meeting in response to a letter from Village Administrator Ken Buchardt reminding Cambridge of the time limit (per the Village Subdivision Ordinance) for completion of public improvements in the Symphony Meadows Subdivision. Mr. Sampson reported that the subdivision is progressing and homes are currently being sold. He also requested an extension of time to complete the public improvements.

President Russell suggested the Village grant an additional 6 months, which would allow Cambridge time until February 28, 2010 to complete the necessary public improvements.

**MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE PORTER TO GRANT THE REQUEST TO EXTEND TIME LIMIT, PER SUBDIVISION ORDINANCE, FOR COMPLETION OF PUBLIC IMPROVEMENTS IN SYMPHONY MEADOWS SUBDIVISION – CAMBRIDGE HOMES.**

**ROLL CALL VOTE:**

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

**AYES – 5, NAYS – 0, ABSENT – 1**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

**PRESIDENT’S REPORT**

President Russell stated that he had no new information to add at this time.

**ADMINISTRATOR’S REPORT**

1. Village Administrator Ken Buchardt reported that the lowest bidder on the lower level parking lot was Schroeder Asphalt Services, Inc. in the amount of \$156,386.25..

**MOTION WS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE HENLEY TO APPROVE SCHROEDER ASPHALT, SERVICES, INC. AS THE LOWEST BIDDER FOR THE LOWER LEVEL PARKING LOT COMPLETION IN THE AMOUNT OF \$156,386.25.**

Trustee Buschick inquired how this project was going to be funded. Village Treasurer Cheryl Grolle explained how both this project and the completion of the lower level of the Village Hall would be funded. (See attached memo from Village Treasurer.)

Discussion.

**ROLL CALL VOTE:**

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

**AYES – 5, NAYS – 0, ABSENT – 1**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

2. Village Administrator Buchardt reported that the lowest bidder for the completion of the lower level of the Village Hall was Wm. Tonyan & Sons in the amount of \$152, 000.00. By eliminating paver tile and carpeting, \$6,400.00 could be saved.

Discussion followed.

**MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE HENLEY TO APPROVE WM. TONYAN & SONS AS THE LOWEST BIDDER FOR THE BUILDOUT OF THE LOWER LEVEL OF THE VILLAGE HALL IN THE AMOUNT OF \$152,000.00 WITH THE ELIMINATION OF \$6,400.00 FOR CARPETING AND PAVER TILE, AS RECOMMENDED BY VILLAGE ADMINISTRATOR.**

**ROLL CALL VOTE:**

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

**AYES – 5, NAYS – 0, ABSENT – 1**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

**ATTORNEY'S REPORT - VILLAGE ATTORNEY NANCY HARBOTTLE**

1. Review of Open Meetings Act

Village Attorney Nancy Harbottle reviewed the rules and regulations of the Open Meetings Act with the members of the Board. (See attached documents.)

Village Technical Administrator Eric Tison had assigned e-mail addresses to each of the Trustees and he reviewed these with the members of the Board at this time.

2. Ziebell Settlement Agreement – (Neptune bankruptcy – Mechanics Lien Issue)

Village Attorney Nancy Harbottle reviewed the proposed Settlement Agreement between the Village, Ryland (defendants) and Ziebell Water Service Products (plaintiff). The essence of the Ziebell claim is a mechanic's lien claim. Ryland will pay to Ziebell \$45,000.00 as set forth in the Settlement Agreement. The Village will pay no monies.

**MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE PORTER TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN ZIEBELL WATER SERVICES PRODUCTS, INC. THE RYLAND GROUP, INC. AND THE VILLAGE OF VOLO.**

**ROLL CALL VOTE:**

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

**AYES – 5, NAYS – 0, ABSENT – 1**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

3. Motion to Approve and Authorize Execution of a certain Letter to IDOT re: condemnation of certain right-of-way at the intersection Of Illinois Route 120 and Fish Lake Road

Village Attorney Nancy Harbottle reviewed a letter to Diane O'Keefe, of the Illinois Department of Transportation, with the members of the Board.

**MOTION WAS MADE BY TRUSTEE WEGENER AND SECONDED BY TRUSTEE BUSCHICK TO APPROVE AND AUTHORIZE EXECUTION OF A CERTAIN LETTER TO IDOT RE: CONDEMNATION OF CERTAIN RIGHT-OF-WAY AT THE INTERSECTION OF ILLINOIS ROUTE 120 AND FISH LAKE ROAD.**

**ROLL CALL VOTE:**

<b>TRUSTEE BUSCHICK</b>	<b>AYE</b>
<b>TRUSTEE EVANS</b>	<b>ABSENT</b>
<b>TRUSTEE HENLEY</b>	<b>AYE</b>

<b>TRUSTEE PORTER</b>	<b>AYE</b>
<b>TRUSTEE WAGNER</b>	<b>AYE</b>
<b>TRUSTEE WEGENER</b>	<b>AYE</b>

**AYES – 5, NAYS - 0, ABSENT – 1**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

**ENGINEER’S REPORT – VILLAGE ENGINEER PETER STOEHR**

The Board members had been provided with a memo listing current projects in which the Village is involved. Village Engineer Peter Stoehr reviewed this memo with the members of the Board at this time.

**MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE HENLEY TO ACCEPT THE REPORT OF THE VILLAGE ENGINEER AND PLACE IT ON FILE. VOICE VOTE: ALL AYES.**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

**ORDINANCES, RESOLUTIONS AND MOTIONS TO BE CONSIDERED**

All of the Ordinances, Resolutions and Motions to be Considered had been reviewed and approved previously at tonight’s meeting.

President Russell stated that there was no need for a Committee of the Whole meeting tonight.

Trustee Wagner reported on the AED equipment which the Village is considering purchasing. He suggested the complete package, which would include all the supplies necessary for an emergency situation, at a cost of \$1,364.00.

Trustee Wagner will follow up with the installation of the equipment and also the training of the Village personnel. Mr. Tom Smith will be in charge of the official training session which will be scheduled at a later date.

**MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE HENLEY TO MOVE AHEAD WITH THE PURCHASE OF THE AED EQUIPMENT FOR THE VILLAGE OF VOLO.**

**ROLL CALL VOTE:**

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

**AYES – 5, NAYS – 0, ABSENT – 1**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

**COMMENTS FROM BOARD MEMBERS**

Trustee Wagner reported that he had spoken with Deputy Chief Kevin Parker regarding extra attention to the school bus routes now that school is back in session and children are being picked up by the buses.

Trustee Porter asked everyone present for help with traffic control on Saturday morning for the Craft Fair.

**MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE WEGENER THAT A PORTION OF THE MEETING BE CLOSED TO THE PUBLIC, EFFECTIVE IMMEDIATELY AS PERMITTED BY 5 ILCS 120/2(C) (11) TO DISCUSS LITIGATION AGAINST, AFFECTING, OR ON BEHALF OF THE VILLAGE WHICH HAS BEEN FILED AND IS PENDING IN A COURT OR ADMINISTRATIVE TRIBUNAL OR WHICH IS PROBABLE OR IMMINENT AND THE BASIS FOR SUCH FINDING SHALL BE RECORDED IN THE MINUTES OF THE CLOSED SESSION 5ILCS 120/2(C) (11) AND/OR TO DISCUSS THE PURCHASE OR LEASE OF A SPECIFIC PIECE OF REAL PROPERTY FOR THE USE OF THE PUBLIC BODY AS PERMITTED BY 5 ILCS 120/2(C) (5) WITH NO BUSINESS TO FOLLOW.  
VOICE VOTE: ALL AYES**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

8:40 P.M.: Meeting went into Executive Session

**MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE WAGNER TO RE-CONVENE THE PUBLIC MEETING.**

**ROLL CALL VOTE:**

<b>TRUSTEE BUSCHICK</b>	<b>AYE</b>
<b>TRUSTEE EVANS</b>	<b>ABSENT</b>

<b>TRUSTEE HENLEY</b>	<b>AYE</b>
<b>TRUSTEE PORTER</b>	<b>AYE</b>
<b>TRUSTEE WAGNER</b>	<b>AYE</b>
<b>TRUSTEE WEGENER</b>	<b>AYE</b>

**AYES – 5, NAYS – 0, ABSENT – 1**

**PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.**

8:50 P.M.: Public meeting was re-convened.

**MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE PORTER TO ADJOURN THE BOARD OF TRUSTEE MEETING. VOICE VOTE: ALL AYES.**

8:52P.M.: Meeting was adjourned.

Next regularly scheduled Board of Trustees meeting is scheduled for September 8, 2009.

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

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