

OFFICIAL PROCEEDINGS
OF
VILLAGE BOARD

STATE OF ILLINOIS)
COUNTY OF HENRY)
VILLAGE OF ORION)

A special meeting of the President and Board of Trustees was held at 6:30 p.m., October 24, 2012 at the Village Hall, 1202 4th Street, Orion, Henry, Illinois. The following members were present: Cooper, Peterson, Newman, Lawson, and Drucker. Absent: O'Leary.

President Cooper called the meeting to order and led the board in the Pledge of Allegiance. He said Trustee O'Leary's absence was due to a medical issue.

President Cooper said the purpose of the meeting was to discuss issues with property owners who failed to sign easement agreements for a sewer relief main project. Also, the board intended to vote on an ordinance authorizing payment for easement purchases and give direction to the village attorney to file eminent domain to obtain easements, if necessary.

President Cooper said the Illinois EPA-mandated project must be completed by December 2013. He said he and the board had been working to meet every step of the IEPA's timeline, and he and Trustee Drucker had been seeking grant funds for years, only to be promised money and never see it materialize. President Cooper said the board forged ahead, sought loan assistance from BankORION, and sought bids for the project. Easement acquisition had also been underway; however, a few holdouts were slowing down the project, which could cost the village more money. President Cooper said a previous private meeting with property owners Jeremy Coulter, Dave Crosiar, and Don Phillips did not produce any results. Mary Our Lady of Peace Catholic Church, of which Mr. Phillips is a member, also had not yet approved the easement agreement. Mr. Phillips appeared to be negotiating on the church's behalf.

President Cooper asked Mr. Phillips if the Catholic Church would consider signing the agreement and forgoing the \$1/sq. ft. price offered by the village. He said the Methodist Church's minister and the school district's superintendent verbally agreed to forgo the money, in consideration of their tax exempt nature. Mr. Phillips said he thought the church would probably forgo the money, but he would need to discuss it with the appropriate officials.

Mr. Jeremy Coulter, 1412 6th Street, admitted the sewer project was important but said the easement requested by the village would interfere with the construction of a garage, shed, or other outbuilding, which could be placed in that area, since storm water would not interfere like it would on other nearby lots. He will also lose a

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mature shade tree. Mr. Coulter said he was more concerned about the lack of space in his yard than the money offered for the easement. He said he knew the path of the sewer was moved somewhat to accommodate other property owners, yet he stood to lose a 30' swath of property. Mr. Scott Kammerman, Missman engineer, said the width was necessary to cover an existing sewer main and the proposed main. An easement was absent for portions of the existing main. He said the village was trying to do the least harm but still have enough room for the contractor to do the work. Mr. Coulter said, unlike others who live near him, his property is shaped so the storm water does not affect his yard, making the construction of an outbuilding feasible. Village attorney John Ames disputed the feasibility of placing a building in that area. President Cooper offered Mr. Coulter tree replacement valued at \$1,000, and after further discussion with Mr. Kammerman and Sewer Supt. Chris Lundburg about the easement width; Mr. Coulter was offered a 5' reduction. Mr. Coulter accepted the offer and signed the easement agreement.

Mr. Dave Crosiar had a concern about storm water pooling in his yard and asked that the village correct the problem. President Cooper said storm water flow was not a part of the sanitary sewer and therefore not a part of the relief main project. The board discussed the issue and decided that since the pooling occurs on the easement area it would most likely be rectified by final grading after the relief main installation. Mr. Crosiar was assured that grass seed would be replanted if washed away by a rainstorm and he would be credited for water used from his home for watering the grass. Mr. Crosiar agreed to sign the easement document.

Though Mr. Phillips had previously indicated he would accept his easement agreement if his neighbors, Mr. Crosiar and Mr. Coulter, were satisfied, he balked at signing immediately. Mr. Phillips said the village seemed to be rushing the issue and he would sign in his own time. It was explained to Mr. Phillips that the contractor wanted to start the job immediately. The project was initially scheduled for spring of 2013 but due to unusually dry weather, the contractor was ready to begin. President Cooper said the deadline for signing easement agreements was October 29th. If agreements are not signed by the deadline, the village will proceed with eminent domain action.

President Cooper reminded Mr. Phillips that every delay costs the community more money. Additionally, Trustee Drucker said a rate could not be finalized until all costs

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were accounted for and that would be impossible to know until all easement agreements were signed. Trustee Newman suggested that the Catholic Church be given more time to sign its agreement if Mr. Phillips would agree to sign his personal agreement now. Mr. Phillips complained about multiple changes to the easement plats, even though some of the changes were requested by him. He also said Father DeBishop wanted to meet with Attorney Ames prior to sending the agreement with a cover letter to the Peoria Diocese. Mr. Phillips could not understand why the easement width was 30' in some spots, especially since the sewer mains in the vicinity were only 10" and 12" wide. Mr. Kammerman explained that the two mains must maintain a certain degree of separation and the contractor must have room to bring in equipment, dig around the pipes, and pile dirt.

President Cooper told Mr. Phillips that the special meeting was costing the village extra money and waiting until another meeting would cost the contractor and the village in delayed time. He asked Mr. Phillips to approve his personal easement agreement for 386 sq. ft., to which Mr. Phillips concurred, in exchange for providing the Catholic Church more time to meet with Attorney Ames and discuss some other issues. Mr. Phillips claimed not to know what the church's issues were. Attorney Ames was scheduled to meet with church officials on Tuesday, October 30th.

It was moved by Drucker, seconded by Peterson to adopt Ordinance #2012-6, authorizing acquisition of easements and payment thereof as well as the right to begin eminent domain proceedings if any property owners failed to sign easement agreements. Prior to a vote on the motion Trustee Drucker asked if the contractor could begin the project without having all signed easement agreements, to which Attorney Ames said the project could begin and eminent domain would be pursued against the Catholic Church and any other affected person if they ultimately failed to comply. The motion was called for a vote. Ayes: Peterson, Newman, Lawson, and Drucker. Noes: None. Absent: O'Leary.

There being no further business to come before the meeting, it was moved by Drucker, seconded by Lawson to adjourn. Ayes: Peterson, Newman, Lawson, and Drucker. Noes: None. Absent: O'Leary.

Lori A. Sampson
Village Clerk

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OFFENDING COMMAND:

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