

**VILLAGE OF VOLO
MINUTES OF THE REGULARLY SCHEDULED
BOARD OF TRUSTEES MEETING
JANUARY 13, 2009**

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 Wagner
Trustee Wegener

President Russell declared a Quorum present.

Other Staff in attendance were Village Administrator Ken Buchardt, Village Attorney Nancy Harbottle, Village Engineer Bud Reed, Village Technical Administrator Eric Tison, Village Treasurer Cheryl Grolle and Village Clerk Judith Rutishauser. Also present were members of the public. (See attached sign in sheet.)

APPROVAL OF MINUTES

Minutes of the April 15, 2008 Regularly Scheduled Board of Trustees meeting were presented for review and approval.

**MOTION WAS MADE BY TRUSTEE WEGENER AND SECONDED
BY TRUSTEE WAGNER TO APPROVE THE MINUTES AS
PRESENTED.**

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the April 22, 2008 Special Board of Trustees meeting were presented for review and approval.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE EVANS TO APPROVE THE MINUTES AS PRESENTED.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the April 29, 2008 Bi-Monthly Board of Trustees meeting were presented for review and approval.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WEGENER TO APPROVE THE MINUTES AS PRESENTED.

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the September 9, 2008 Regularly Scheduled Board of Trustees meeting were presented for review and approval.

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE WEGENER TO APPROVE THE MINUTES AS PRESENTED.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	ABSTAIN
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 5, NAYS – 0, ABSTAIN - 1

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the September 23, 2008 Bi-Monthly Board of Trustees meeting were presented for review and approval. Errors were reviewed and corrected.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE CROW TO APPROVE THE MINUTES AS CORRECTED.

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the September 23, 2008 Committee of the Whole meeting were presented for review and approval.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE CROW TO APPROVE THE MINUTES AS PRESENTED.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the October 21, 2008 Special Board of Trustees meeting were presented for review and approval. Errors were reviewed and corrected.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE EVANS TO APPROVE THE MINUTES AS CORRECTED.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the October 28, 2008 Bi-Monthly Board of Trustees meeting were presented for review and approval. Errors were reviewed and corrected.

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE PORTER TO APPROVE THE MINUTES AS CORRECTED.

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	ABSTAIN
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 5, NAYS – 0, ABSTAIN - 1

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the October 28, 2008 Committee of the Whole Meeting were presented for review and approval.

MOTION WAS MADE BY TRUSTEE WEGENER AND SECONDED BY TRUSTEE PORTER TO APPROVE THE MINUTES AS PRESENTED.

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	ABSTAIN
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 5, NAYS – 0, ABSTAIN - 1

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the December 11, 2008 Regularly Scheduled Board of Trustees meeting were presented for review and approval. Errors were reviewed and corrected.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE CROW TO APPROVE THE MINUTES AS CORRECTED.

PRESIDENT RUSSELL	AYE
TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	ABSTAIN
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	ABSTAIN
TRUSTEE WEGENER	ABSTAIN

AYES – 4, NAYS – 0, ABSTAIN - 3

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

TREASURER’S REPORT – VILLAGE TREASURER CHERYL GROLLE

Village Treasurer Cheryl Grolle reviewed the Treasurer’s Report with the Board of Trustees.

STATEMENT OF ASSETS

General Fund	\$1,161,277.39
Water Operations Fund	69,486.34
Water Construction Fund	1,407,064.56
Impact Fee Fund	<u>1,103,354.87</u>

TOTAL VILLAGE ASSETS **\$3,741,183.16**

TRUST & AGENCY OUTSTANDING SUMMARY

TOTAL **\$ 16,622.01**

PROFIT & LOSS REPORT

General Fund Net Income **\$ 371,743.87**

Water Operations Fund Net Income **75,508.33**

Impact Fee Fund Income **366,271.04**

Impact Fee Fund Expense **- 878,674.34**

Water Construction Fund Income **184,430.89**

Water Construction Fund Expense **- 231,614.77**

ACCOUNTS PAYABLE SUMMARY

General Fund **\$ 314,225.92**

Water Operations Fund **30,957.49**

Water Construction Fund **6,438.50**

Impact Fee Fund **154,545.47**

Home Depot Annual Rebate **288,087.81**

TOTAL **\$ 506,167.38**

Discussion followed.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE CROW TO ACCEPT THE STATEMENT OF ASSETS, THE TRUST AND AGENCY OUTSTANDING SUMMARY AND THE PROFIT AND LOSS REPORT AND PLACE IT ON FILE. VOICE VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

MOTION WAS MADE BY TRUSTEE CROW AND SECONDED BY TRUSTEE WEGENER TO PAY BILLS AS PRESENTED IN THE AMOUNT OF \$506,167.38.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0,

PRESIDENT RUSELL DECLARED THE MOTION APPROVED.

Village Treasurer Cheryl Grolle reported that the Impact Fund's list of accounts payables included two Pay Requests from Cooling Landscape for construction work on the Millennium Trail in the amount of \$152,451.51. In order to pay the Millennium Trail/Municipal site construction costs, the Village Treasurer requested Board approval to withdraw \$119,550.00 from the Village's \$2,000,000.00 loan account.

MOTION WAS MADE BY TRUSTEE BUSCHICK AND SECONDED BY TRUSTEE PORTER TO APPROVE THE VILLAGE TREASURER'S REQUEST TO WITHDRAW \$119,550.00 FROM THE VILLAGE'S \$2,000,000.00 LOAN ACCOUNT.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

OFFICE REPORT – VILLAGE CLERK JUDITH RUTISHAUSER

Village Clerk Judith Rutishauser reviewed the Office Report with the members of the Board.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE EVANS TO ACCEPT THE OFFICE REPORT AS PRESENTED AND PLACE IT ON FILE. VOICE VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

ADMINISTRATOR'S REPORT – VILLAGE ADMINISTRATOR KEN BUCHARDT

The Village Administrator's Report was reviewed by the members of the Board.

Village Administrator Buchardt also reviewed a letter from Richard E. Hoehne, the Captain/Assistant Chief Engineer of the Fox Lake Fire Department, regarding the parking issue in the Terra Springs Subdivision. After studying the situation, it is the opinion of the Fox Lake Fire Department that no on street parking should be allowed in the Terra Springs Subdivision.

Village Administrator Buchardt added that perhaps this matter should be discussed further at the next regularly scheduled Staff meeting or the next Committee of the Whole meeting.

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE CROW TO ACCEPT THE REPORT BY THE VILLAGE ADMINISTRATOR AND PLACE IT ON FILE. VOICE VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

COMMENTS FROM RESIDENTS

There were no comments from residents at this time.

COMMENTS FROM GUESTS OUTSIDE VILLAGE

There were no comments from the public at this time.

PRESIDENT'S REPORT

Village President Russell explained to the members of the Board that he had spoken to Perricone Landscaping regarding the outstanding balance on their Trust and Agency Account. A suggestion had been made to split the cost of the annexation hearings (total of approximately \$36,000.00) between Perricone

Landscaping and the Village of Volo. Village President Russell informed the Perricone brothers that the decision could not be made without Board approval.

After much discussion, a consensus of the Board was taken. The result was a negative decision of 2 for, 4 against sharing the cost.

President Russell agreed to inform the Perricone brothers of the Board's decision.

ATTORNEY'S REPORT – VILLAGE ATTORNEY NANCY HARBOTTLE

Village Attorney Nancy Harbottle deferred her report to the "Ordinances, Resolutions and Motions to be Considered" section of the agenda.

PUBLIC HEARING – ANNEXATION OF SHRAKE PROPERTY

1. Public Hearing to consider approval of an Annexation Agreement Between the Village of Volo and Janet E. Shrake and Bruce L. Shrake, owners of record, in connection with the annexation to the Village of their Residential parcel and single family dwelling located at 33520 Christa Drive, Grant Township, Lake County, and re-zoning to the "RE" Rural Estate Single Family Detached Residential District in the Village of Volo, with variations from the Minimum Lot Area of 43,500 square feet and Minimum District Size of 80 acres for property legally described as follows

Lot 23 in eighth addition to Fischer's Subdivision being a Subdivision of part of the northwest quarter of Section 26, Township 45 North, Range 9, east of the Third Principal Meridian, according to the plat thereof, recorded October 18, 1977 as document 1873623 in Book 62 of Plats, page 25, in Lake County, Illinois – PIN # 05-26-104-024

MOTION WAS MADE BY TRUSTEE CROW AND SECONDED BY TRUSTEE PORTER TO OPEN THE PUBLIC HEARING. VOICE VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

8:10 P.M.: Public Hearing was opened.

Everyone wishing to give testimony at tonight's Public Hearing was sworn in at the time by Village Attorney Nancy Harbottle.

Mr. Bruce Shrake explained that he and his wife own a one (1) acre piece of property located at 33520 Christa Drive, Grant Township, Illinois. He would like to annex this property to the Village of Volo and is requesting a variation in the minimum lot area of 40,000 square feet in lieu of 43,500 square feet and a reduction of minimum district size to 0.916 acre in lieu of eighty (80) acres as set forth in the Volo Zoning Ordinance.

The property is contiguous to Volo through the new Remington Pointe North Subdivision.

Village Attorney Nancy Harbottle reviewed the Annexation Agreement with the members of the Board.

Comments and questions were requested from the public. No members of the public desired to speak at this time.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE EVANS TO CLOSE THE PUBLIC HEARING. VOICE VOTE: ALL AYES.

PRESIDENT RUSELL DECLARED THE MOTION APPROVED.

8:18 P.M.: Public Hearing was closed.

ORDINANCES, RESOLUTIONS AND MOTIONS TO BE CONSIDERED

1. Motion to Approve Ordinance #0-09-407, Ordinance Approving Annexation Agreement and Authorizing Execution Thereof by the President and Clerk of the Village of Volo (Janet E. Shrake and Bruce L. Shrake, 33520 Christa, Grant Township, Illinois)

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE BUSHICK TO APPROVE ORDINANCE #0-09-407 ORDINANCE APPROVING ANEXATION AGREEMENT AND AUTHORIZING EXECUTION THEREOF BY THE PRESIDENT AND CLERK OF THE VILLAGE OF VOLO (JANET E. SHRAKE AND BRUCE L. SHRAKE, 33520 CHRISTA, GRANT TOWNSHIP, ILLINOIS 60041

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE

TRUSTEE WEGENER

AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

2. Motion to Approve Ordinance #0-09-408, Annexation Ordinance (Janet E. Shrake and Bruce L. Shrake, 33520 Christa Drive, Grant Township, Illinois 60041)

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WEGENER TO APPROVE ORDINANCE #0-09-408 ANNEXATION ORDINANCE (JANET E. SHRAKE AND BRUCE L. SHRAKE, 33520 CHRISTA DRIVE, GRANT TOWNSHIP, ILLINOIS 60041)

ROLL CALL VOTE:

TRUSTEE BUSCHICK

AYE

TRUSTEE CROW

AYE

TRUSTEE EVANS

AYE

TRUSTEE PORTER

AYE

TRUSTEE WAGNER

AYE

TRUSTEE WEGENER

AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

3. Motion to Approve Ordinance #0-09-409, Re-zoning and Map Amendment Ordinance (Janet E. Shrake and Bruce L. Shrake, 33520 Christa, Grant Township, Illinois 60041)

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE PORTER TO APPROVE ORDINANCE #0-09-409, RE-ZONING AND MAP AMENDMENT ORDINANCE (JANET E. SHRAKE AND BRUCE L. SHRAKE, 33520 CHRISTA, GRANT TOWNSHIP, ILLINOIS 60041)

ROLL CALL VOTE:

TRUSTEE BUSCHICK

AYE

TRUSTEE CROW

AYE

TRUSTEE EVANS

AYE

TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

- 4. Motion to Approve the First Amendment to Agreement for Transportation Improvements Between the Village of Volo and the County of Lake – Gilmer Road

Village Attorney Nancy Harbottle and Village Engineer Bud Reed reviewed the Amendment with the members of the Board.

Discussion followed.

MOTION WAS MADE BY TRUSTEE EVANS AND SECONDED BY TRUSTEE PORTER TO APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR TRANSPORTATION IMPROVEMENTS BETWEEN THE VILLAGE OF VOLO AND THE COUNTY OF LAKE – GILMER ROAD

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

- 5. Motion to Approve an Intergovernmental Agreement by and Between Lakes Region Sanitary District and the Village of Volo To Terminate Water Service for the Non-Payment of Sanitary Sewer Service Fees

Village Administrator Ken Buchardt reviewed the Agreement with the members of the Board.

Discussion followed.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE BUSCHICK TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN LAKES REGION SANITARY DISTRICT AND THE VILLAGE OF VOLO TO TERMINATE WATER SERVICE FOR THE NON-PAYMENT OF SANITARY SEWER SERVICE FEES.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSEL DECLARED THE MOTION APPROVED.

6. Motion to Approve Resolution #R-09-144, A resolution Approving The North Lake County Lake Michigan Water Planning Group “Memorandum of Understanding” re: contribution for legal service in the amount of \$5,000.00

Village Engineer Bud Reed explained that the North Lake County Lake Michigan Water Planning Group is requesting \$5,000 for legal services to draft an organizational agreement for the municipalities involved in the Planning Group.

Discussion followed.

MOTION WAS MADE BY TRUSTEE WEGENER AND SECONDED BY TRUSTEE PORTER TO APPROVE RESOLUTION #R-09-144, A RESOLUTION APPROVING THE NORTH LAKE COUNTY LAKE MICHIGAN WATER PLANNING GROUP “MEMORANDUM OF UNDERSTANDING” RE: CONTRIBUTION FOR LEGAL SERVICE IN THE AMOUNT OF \$5,000.00

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
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TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

7. Motion to Approve a Proposal for Additional Services from Manhard Consulting – Village Municipal Site – ALTA (American Land Title Association) survey - \$9,000.00

Village Attorney Nancy Harbottle reviewed the proposal with the members of the Board.

In order to obtain complete title insurance coverage in connection with the Village Municipal site and Village Hall, Chicago Title requires a detailed survey which is commonly referred to as an ALTA survey. This is an important document for the Village's permanent records and the Village Staff recommends that the Village engage the Village Engineers Manhard Consulting to perform the surveying work at a cost of \$9,000.00.

Discussion followed.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WAGNER TO APPROVE THE PROPOSAL FOR ADDITIONAL SERVICES FROM MANHARD CONSULTING – VILLAGE MUNICIPAL SITE – ALTA (AMERICAN LAND TITLE ASSOCIATION) SURVEY - \$9,000.00

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE CROW	AYE
TRUSTEE EVANS	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

WEBSITE – VILLAGE TECHNICAL ADMINISTRATOR – ERIC TISON

Village Technical Administrator Eric Tison had provided a written report to the members of the Board. There were no questions from the Board at this time.

CODE ENFORCEMENT – VILLAGE CODE ENFORCEMENT OFFICIAL MIKE DE LILLO

Village Code Enforcement Official Mike De Lillo reported that he was involved in collecting a fine from a landscaper in Remington Point who had been using water without permission.

COMMENTS FROM BOARD MEMBERS

A question was raised regarding the Volo Village Market Place. Village Administrator Ken Buchardt responded that discussions were still ongoing with the developers.

A suggestion was made to begin to review the budget at the last meeting in February.

President Russell reminded the Board members that a Safety Committee meeting was scheduled for January 27, 2009 at 6:30 P.M. Representatives from the Lake County Sheriff's Department will be attending the Committee meeting and the Board meeting.

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

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

9:05 P.M.: Meeting was adjourned.

MINUTES SUBMITTED BY _____
Judith T. Rutishauser

MINUTES APPROVED ON _____