

**VILLAGE OF VOLO
MINUTES OF THE REGULARLY SCHEDULED
BOARD OF TRUSTEE MEETING
FEBRUARY 12, 2008**

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, Attorney Nancy Harbottle, Village Engineer Bud Reed, Village Planner Jon Wildenberg, Village Technical Administrator Eric Tison and Village Clerk Judith Rutishauser. Also present were members of the public. (See attached sign in sheet.)

APPROVAL OF MINUTES

Minutes of the January 8, 2008 Regularly Scheduled 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. ROLL CALL VOTE:**

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

AYES – 4, NAYS – 0, ABSENT – 0, ABSTAIN - 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the January 22, 2008 Bi-monthly Board of Trustees 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, ABSENT – 0

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	\$ 1,315,011.36
Water Operations Fund	24,512.16
Water Construction Fund	1,515,282.03
Impact Fee Fund	<u>1,988,728.59</u>
TOTAL VILLAGE ASSETS	\$4,843,534.14

TRUST & AGENCY OUTSTANDING SUMMARY

TOTAL	\$ 112,464.86
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PROFIT & LOSS REPORT

General Fund Net Loss	\$ - 185,521.39
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Water Operations Fund Net Loss	- 65,883.06
Impact Fee Fund Income	556,491.95
Impact Fee Fund Expense	2,472,208.15
Water Construction Fund Income	1,885,304.94
Water Construction Fund Expense	687,614.86
Rebate to Home Depot	174,318.93

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE EVANS TO APPROVE THE STATEMENT OF ASSETS AND THE TRUST AND AGENCY REPORT. VOICE VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

ACCOUNTS PAYABLE SUMMARY

General Fund	\$ 180,498.33
Water Operations Fund	14,020.55
Water Construction Fund	26,148.50
Impact Fee Fund	<u>29,102.76</u>
TOTAL	\$ 249,770.14

MOTION WAS MADE BY TRUSTEE BUSCHICK AND SECONDED BY TRUSTEE PORTER, TO PAY BILLS IN THE AMOUNT OF \$249,770.14.

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 of Trustees.

MOTION WAS MADE BY TRUSTEE WEGENER AND SECONDED BY TRUSTEE CROW 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

Village Administrator Ken Buchardt reviewed his report with the Board of Trustees.

MOTION WAS MADE BY TRUSTEE CROW AND SECONDED BY TRUSTEE WAGNER 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 VILLAGE RESIDENTS

A resident in Lancaster Falls Subdivision raised a question regarding overnight parking on the streets in Lancaster Falls.

After a short discussion, it was agreed that, as long as signs are posted stating there is no overnight parking per Village Ordinance, the Sheriff's Department could enforce the Ordinance.

COMMENTS FROM GUESTS OUTSIDE VILLAGE

There were no comments at this time.

PRESIDENT'S REPORT

1. Introduction of New Plan Commission Member Proposed by the Village President

President Russell introduced Betsy Connell to the members of the Board of Trustees as a proposed new member of the Plan Commission. Betsy addressed the Board and explained why she would like to serve as a member of the Plan Commission.

2. University of Illinois Extension Request for Funding

President Russell explained that, for the past several years, the Village has donated funds to the University of Illinois Extension Service and he requested permission from the Board to donate funds in the amount of \$250.00 for this year

MOTION WAS MADE BY TRUSTEE CROW AND SECONDED BY TRUSTEE PORTER TO APPROVE THE DONATION OF \$250.00 TO THE UNIVERSITY OF ILLINOIS EXTENSION SERVICE. 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.

PUBLIC HEARING – AMENDMENT TO DEVELOPMENT AGREEMENT, LANCASTER FALLS SOUTH, EXHIBIT F

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WEGENER TO OPEN THE PUBLIC HEARING TO HEAR THE REQUEST OF RYLAND HOMES FOR AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR LANCASTER FALLS SOUTH – EXHIBIT F. VOICE VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

7:55 P.M.: Public Hearing was opened.

Anyone wishing to give testimony at the Public Hearing was sworn in at this time.

Village Planner Jon Wildenberg explained that the purpose of tonight's Public Hearing was to consider the request of Ryland Homes for a change in setback standards for the Lancaster Falls South Subdivision.

Several months ago, Ryland informed the Village that its largest model, the Primrose, was its best seller in Lancaster Falls North and requested that the sideyard setbacks and Floor Area Ratio (FAR) for Lancaster Falls South (the 26 acres located on the southeast corner of Route 60 and Fish Lake Road) be reduced for 5 lots to accommodate the potential demand for the Primrose model.

The request was for an increase in allowable FAR from 0.40 to 0.41 and a reduction of total side yard setback on a lot from 17 feet and 16 feet to 15 feet.

Village Planner Wildenberg reviewed the request and determined that the request was reasonable, and further, that amending the development agreement to provide for the same setbacks and FAR for all the 54 lots in Lancaster Falls South was the most efficient method of assessing the request.

In addition to the bulk regulations and departures set forth on Exhibit F, there is an anti-monotony requirement and exhibit in the Development Agreement which also regulates and determines which models can be built on which lots.

Omar Rodriguez of Ryland Homes addressed the Board of Trustees and explained that there is a market for the larger Primrose model as opposed to a smaller model and again explained the reason for the request for the change in setback standards.

Discussion followed.

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

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

8:20 P.M.: Public Hearing was closed.

**ORDINANCE #0-08-366 – AN ORDINANCE APPROVING THE FIRST
AMENDMENT OF THE DEVELOPMENT AGREEMENT BETWEEN THE
VILLAGE OF VOLO AND THE RYLAND GROUP, INC. – EXHIBIT F AND
AUTHORIZING EXECUTION THEREOF**

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE CROW TO APPROVE THE FIRST AMENDMENT OF THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF VOLO AND THE RYLAND GROUP, INC. – EXHIBIT F AND AUTHORIZING EXECUTION THEREOF.

ROLL CALL VOTE:

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

AYES – 4, NAYS – 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

RESOLUTION R-08-134 – A RESOLUTION APPROVING A NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT BETWEEN THE VILLAGE AND COMCAST AND AUTHORIZING EXECUTION THEREOF

Village Attorney Nancy Harbottle reviewed with the Board of Trustees a memo which had been provided to each Trustee in their Board folder. (A copy of this memo is attached.)

Mr. Dan Maloney, a representative of Comcast, explained that the 5% franchise fee is the maximum permitted under Federal law and the Agreement also includes insurance and indemnification and covers all necessary subject areas.

MOTION WAS MADE BY TRUSTEE EVANS AND SECONDED BY TRUSTEE WEGENER TO APPROVE RESOLUTION R-08-134 – A RESOLUTION APPROVING A NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT BETWEEN THE VILLAGE AND COMCAST AND AUTHORIZING AND AUTHORIZING EXECUTION THEREOF.

ROLL CALL VOTE:

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

CONFIRMATION OF BETSY CONNELL AS NEW PLAN COMMISSION MEMBER

MOTION WAS MADE BY TRUSTEE EVANS AND SECONDED BY TRUSTEE PORTER TO CONFIRM PRESIDENT RUSSELL'S RECOMMENDATION OF THE APPOINTMENT OF BETSY CONNELL AS PLAN COMMISSION MEMBER WITH A TERM EXPIRING IN 2009.

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.

APPROVAL OF DATA SYSTEM PROPOSAL FOR I.T. EQUIPMENT AT THE NEW VILLAGE HALL SUBJECT TO REVIEW AND APPROVAL OF VILLAGE I.T. CONSULTANT

Village Technical Administrator Eric Tison reviewed a memo with the members of the Board which had been previously provided for them in the Board folders.

Long discussion followed.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE EVANS TO APPROVE THE DATA SYSTEM PROPOSAL MINUS THE WIRELESS COMPONENT AND 2 LAPTOPS INSTEAD OF 3 AS PROPOSED, IN AN AMOUNT NOT TO EXCEED \$38,300.00, SUBJECT TO REVIEW AND APPROVAL OF VILLAGE I.T. CONSULTANT.

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.

DISCUSSION REGARDING COMPLETION OF LOWER LEVEL OF NEW VILLAGE HALL

Dan Robison, architect for the Village Hall project, informed the Board of Trustees that he had been in contact with Stuckey Construction to negotiate a reduction in the cost of completing the lower level. The result of this discussion was that there is still room for more reductions in what is to be completed and Stuckey said he might be able to re-negotiate with his sub-contractors.

Discussion followed.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WAGNER TO INSTRUCT STUCKEY CONSTRUCTION TO COMPLETE THE LOWER LEVEL PER ORIGINAL CONTRACT.

ROLL CALL VOTE:

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

AYES – 4, NAYS – 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

ENGINEER'S REPORT

1. CHANGE ORDER FOR HENDERSON

Village Engineer Bud Reed reviewed the Change Order for Joseph J. Henderson and pointed out that Item #12 was the only item still to be completed.

Discussion followed.

MOTION WAS MADE BY TRUSTEE BUSCHICK AND SECONDED BY TRUSTEE PORTER TO ACCEPT THE CHANGE ORDER FOR JOSEPH J. HENDERSON 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.

2. REQUEST FOR LETTER OF CREDIT REDECTION FOR CAMBRIDGE HOMES

Tabled until a later date

3. REQUEST FOR BOND REDUCTION FOR CAMBRIDGE HOMES

Tabled until a later date.

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

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

9:35 P.M.: Meeting was adjourned.

MINUTES SUBMITTED BY _____
Judith T. Rutishauser, Village Clerk

MINUTES APPROVED ON _____