

**VILLAGE OF VOLO
MINUTES OF THE REGULARLY SCHEDULED
BOARD OF TRUSTEES MEETING
APRIL 14, 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 Engineers Bud Reed and Peter Stoehr, Village Planner Jon Wildenberg, 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 March 10, 2009 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 WAGNER TO APPROVE THE MINUTES AS
CORRECTED.**

ROLL CALL VOTE:

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

AYES – 4, NAYS – 0, ABSTAIN - 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the March 24, 2009 Bi-Monthly Board of Trustees meeting were presented for review and approval.

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

ROLL CALL VOTE:

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

AYES – 4, NAYS – 0, ABSTAIN - 2

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	\$ 869,143.58
Water Operations Fund	81,240.45
Water Construction Fund	1,380,589.03
Impact Fee Fund	<u>1,030,757.26</u>
TOTAL VILLAGE ASSETS	\$3,361,730.32

TRUST & AGENCY OUTSTANDING SUMMARY

TOTAL	\$ 62,352.03
-------	--------------

PROFIT & LOSS REPORT

General Fund Net Income	\$ 116,834.20
-------------------------	---------------

Water Operations Fund Net Income	72,677.81
Impact Fee Fund Income	444,397.88
Impact Fee Fund Expense	- 1,308,792.23
Water Construction Fund Income	207,772.44
Water Construction Fund Expense	- 364,575.37

ACCOUNTS PAYABLE SUMMARY

General Fund	\$ 77,167.51
Water Operations Fund	45,025.88
Water Construction Fund	39,070.96
Impact Fee Fund	<u>104,526.90</u>
TOTAL	\$ 265,791.25

Village Treasurer Grolle stated that the two settlement amounts for AboveNet (\$47,901.54) and MCImetro Access Transmission (\$33,872.88) for re-location of the fiber optic cable at the Fish Lake Road and Route 60 intersection had been included in the Impact Fee Fund payables.

MOTION WAS MADE BY TRUSTEE WEGENER AND SECONDED BY TRUSTEE BUSCHICK 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 PORTER AND SECONDED BY TRUSTEE CROW TO PAY BILLS AS PRESENTED IN THE AMOUNT OF \$265,791.25.

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.

Discussion followed.

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 WEGENER 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 Ken Buchardt also reported that, regarding the storm water flooding on Fish Lake Road, Mayor Russell had authorized an excavator to dig a trench to keep the road clear of water until the road is re-done..

MOTION WAS MADE BY TRUSTEE PORTER 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 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

President Russell stated that he had no report at this time.

ATTORNEY’S REPORT – VILLAGE ATTORNEY NANCY HARBOTTLE

Village Attorney Nancy Harbottle deferred her report to the “Ordinances, Resolutions and Motions to be Considered” portion of the agenda.

PLANNER’S REPORT – VILLAGE PLANNER JON WILDENBERG

Village Planner Jon Wildenberg explained that, because there had been several changes, such as annexations and re-zoning of properties within the Village of Volo, it was necessary to update the Village Zoning Map. The map would be approved by the Board in the form of a Resolution later during tonight’s meeting.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WEGENER TO ACCEPT THE VILLAGE PLANNER’S REPORT AND PLACE IT ON FILE. VOICE VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

ENGINEER’S REPORT – VILLAGE ENGINEER BUD REED

Village Engineer Bud Reed deferred his report to Village Engineer Peter Stoehr’s presentation.

PUBLIC HEARING

Village Attorney Nancy Harbottle explained that the Public Hearing was pursuant to appropriate notice to property owners and published in a newspaper of general circulation within the Village. It is for Special Service Area No. 14 which will fund the costs associated with providing sanitary sewer and potable water service to a specific area of the Village of Volo in the vicinity of U. S. Route 12 and Volo Village Road.

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

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

7:45 P.M.: Public Hearing was opened.

Anyone wishing to give testimony at tonight's Public Hearing was sworn in by Village Attorney Harbottle at this time.

Village Engineer Peter Stoehr began his presentation describing the plan for Phase I involving properties east of Route 12 on Volo Village Road and properties at the intersection of Route 12 and Volo Village Road, including McNally Lane.

This will involve a water main and sanitary sewer along Volo Village Road, Route 12 and McNally Lane. The water connection will be at Platford and will terminate at McNally Lane and the Plumbers' Union north on Route 12.

Lakes Region Sanitary District and the Village anticipate the cost of this project will be approximately 1.8 million dollars. The property owners involved will be funding this project through the SSA. It will be based on a proportionate share the Equalized Assessed Value of each property.

Bond Counsel Karl Marschel proceeded to explain the SSA to all present.

Long discussion followed.

Comments were requested from the members of the Board at this time.

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

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

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

ORDINANCES, RESOLUTIONS AND MOTIONS TO BE CONSIDERED

1. Motion to Approve Resolution R-09-146 – Resolution Approving Solid Waste Removal Contract with Groot Industries, Inc.

Village Attorney Nancy Harbottle reviewed the Resolution and Contract with the members of the Board.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WAGNER TO APPROVE RESOLUTION R-09-146- RESOLUTION APPROVING SOLID WASTE REMOVAL CONTRACT WITH GROOT INDUSTRIES, INC.

ROLL CALL VOTE:

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

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

2. Motion to Approve Resolution No. R-09-147 – A Resolution Approving a Contract with Manhard Consulting, Inc. – For Village Engineering Services – 2009

Village Attorney Harbottle explained to the members of the Board that this was a standard contract which the Village renews each year. Usually, the only change was the change in the rate; however, this year there was no change in the rate.

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE EVANS TO APPROVE RESOLUTION NO. R-09-147 – A RESOLUTION APPROVING A CONTACT WITH MANHARD CONSULTING, INC. – FOR VILLAGE ENGINEERING SERVICES – 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.

3. Motion to Approve Resolution No. R-09-148 – A Resolution Approving the Village of Volo Official Zoning Map – 2009

Village Planner Jon Wildenberg again explained that this was a routine procedure to draft an updated Village Zoning Map if there were changes made during the year to any properties in the Village.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WEGENER TO APPROVE RESOLUTION NO. R-09-148 – A RESOLUTION APPROVING THE VILLAGE OF VOLO OFFICIAL ZONING MAP – 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.

4. Motion to Approve a Reimbursement Agreement with AboveNet for Re-location of fiber optic Cable – Route 60

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE WEGENER TO APPROVE A REIMBURSEMENT AGREEMENT IN THE AMOUNT OF \$47,901.54 WITH ABOVE NET FOR RE-LOCATION OF FIBER OPTIC CABLE – ROUTE 60

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 a Reimbursement Agreement with MCImetro Access for Re-location of Fiber Optic Cable – Route 60

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE EVANS TO APPROVE A REIMBURSEMENT AGREEMENT WITH MCIMETRO ACCESS IN THE AMOUNT OF \$33,872.88 FOR RE-LOCATION OF FIBER OPTIC CABLE – ROUTE 60

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.

- 6. Motion to Release Ryland Bond for Fish Lake Road and Motion to Accept a new Bond for intersection improvements – Route 60 and Fish Lake Road/Route 120 and Fish lake Road/Route 60 and Route 120

This document is still being negotiated; therefore, a decision was made by Village Attorney Harbottle and Village Engineer Reed to Remove this item from the agenda until a later date.

- 7. Motion to Approve Ordinance #0-08-411 – An Ordinance Approving An Agreement for Sanitary/Water Recapture – Remington Pointe, LLC.

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

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE CROW TO APPROVE ORDINANCE #0-09-411 – AN ORDINANCE APPROVING AN AGREEMENT FOR SANITARY/WATER RECAPTURE – REMINGTON POINTE, LLC

ROLL CALL VOTE:

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

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

8. Motion to Approve an Agreement for Landscaping Materials and Installation – Village Hall Property – Perricone Brothers Landscaping

Discussion followed.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WEGENER TO APPROVE AN AGREEMENT FOR LANDSCAPING MATERIALS AND INSTALLATION – VILLAGE HALL PROPERTY – PERRICONE BROTHERS LANDSCAPING

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

Village Technical Administrator Eric Tison reported on the notices which were delivered to residents notifying them of disconnection of water service due to non-payment of their bills.

CODE ENFORCEMENT REPORT – CODE ENFORCEMENT OFFICIAL MIKE DE LILLO

Code Enforcement Official Mike DeLillo reported that he had nothing to add to his written report which was included in the folders provided to the Board members before the meeting.

COMMENTS FROM BOARD MEMBERS

Discussion followed regarding the parking situation in Terra Springs.

Trustee Evans asked how residents would be notified of the change in the trash pick up schedule. Village Administrator Ken Buchardt responded that Groot would be notifying everyone in the Village before the change of pick up days. Village Attorney Harbottle added that the Village website would be an excellent vehicle to notify everyone of the schedule change.

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

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

8:55 P.M.: Meeting was adjourned.

MINUTES SUBMITTED BY _____
Judith T. Rutishauser

MINUTES APPROVED ON _____