

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

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

Present: President Burnell Russell
Trustee Buschick
Trustee Evans
Trustee Henley
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 Peter Stoehr, Village Technical Administrator Eric Tison and Village Clerk Judith Rutishauser. Also present were members of the public. (See attached sign in sheet.)

President Russell suggested that the agenda be amended to allow the request of Ryland Homes for an extension of time limit for completion of Public Improvements in the Lancaster North and South Subdivisions to be heard first on the agenda, then to allow the Public Hearing for Cambridge Homes to be opened next.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE HENLEY TO AMEND THE AGENDA TO ALLOW AGENDA ITEM M2 TO APPEAR AT THE BEGINNING OF THE AGENDA FOLLOWED BY AGENDA ITEM L. VOICE VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

APPROVAL OF MINUTES

Minutes of the August 25, 2009 Bi-Monthly Board of Trustees meeting were presented for review and approval.

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

ROLL CALL VOTE:

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

AYES – 4, NAYS – 0, ABSTAIN - 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the September 8, 2009 Regularly Scheduled Board of Trustees meeting were presented for review and approval.

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

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE EVANS	AYE
TRUSTEE HENLEY	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the September 22, 2009 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.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE EVANS	AYE
TRUSTEE HENLEY	AYE
TRUSTEE PORTER	AYE

TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the September 29, 2009 Special 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 EVANS	AYE
TRUSTEE HENLEY	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Motion to Approve Request for Extension of Time Limit for Completion of Public Improvements – Ryland Homes – Lancaster North and South

At the July 28, 2009 Board of Trustees meeting, Mr. Matt Pagoria of Ryland Homes had requested and been granted an extension until October 25, 2009 to complete the public improvements in the Lancaster North and Lancaster South Subdivisions.

Tonight, Ryland Homes is requesting another extension of two 6 month periods to complete the public improvements.

Short discussion followed.

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE PORTER TO APPROVE TWO (2) SIX MONTH EXTENSIONS TO RYLAND HOMES FOR THE COMPLETION OF PUBLIC IMPROVEMENTS IN THE LANCASTER NORTH AND LANCASTER SOUTH SUBDIVISIONS – RYLAND HOMES.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE EVANS	AYE
TRUSTEE HENLEY	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

PUBLIC HEARING – CAMBRIDGE HOMES

To consider a request by DRH Cambridge Homes, Inc., a California Corporation, Petitioners, for a First Amendment to the Annexation and Development Agreement entered into on October 27, 2005 between the Village of Volo and DRH Cambridge Homes, Inc., for the property known as Symphony Meadows Subdivision consisting of approximately 341 acres located generally in an area Situated south and west of Illinois State Route 60, south of Illinois State Route 120, west of North Fish Lake Road and north and east of, and south and west of, Gilmer Road.

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

Mr. Hal Franke from DLA Piper, representing Cambridge Homes, addressed the members of the Board and reviewed the First Amendment to the Annexation and Development Agreement. He stated that Cambridge Homes is in agreement with most of the substantive issues.

At the conclusion of his comments, Village Attorney Nancy Harbottle reviewed her memo regarding the Agreement with the members of the Board.

The Board members were asked for comments or questions at this time.

Discussion followed.

No one responded when asked for questions from the public.

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

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Motion to Approve Request for Extension of Time Limit for Completing Public Improvements – Cambridge Homes – Symphony Meadows

Cambridge Homes requested a two year extension to complete the public improvements, but it was the decision of the Board to grant two (2) six month extensions then have Cambridge return for another extension and review their situation.

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE HENLEY TO APPROVE TWO (2) SIX MONTH EXTENSIONS TO CAMBRIDGE HOMES FOR THE COMPLETION OF PUBLIC IMPROVEMENTS IN THE SYMPHONY MEADOWS SUBDIVISION. VOICE VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

TREASURER’S REPORT – VILLAGE TREASURER CHERYL GROLLE

Village Treasurer Cheryl Grolle was absent and in her absence, President Russell reviewed the Treasurer’s Report with the Board of Trustees.

STATEMENT OF ASSETS

General Fund	\$1,524,760.11
Water Operations Fund	155,716.75
Water Construction Fund	1,227,783.89
Impact Fee Fund	<u>1,470,961.57</u>
TOTAL VILLAGE ASSETS	\$4,379,222.32

TRUST & AGENCY OUTSTANDING SUMMARY

TOTAL	\$ 102,436.55
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PROFIT & LOSS REPORT

General Fund Net Income	\$ 531,779.84
Water Operations Fund Net Income	27,120.36

Impact Fee Fund Income	472,781.56
Impact Fee Fund Expense	
Water Construction Fund Income	
Water Construction Fund Expense	- 123,419.34

ACCOUNTS PAYABLE SUMMARY

General Fund	\$ 131,971.82
Water Operations Fund	35,789.99
Water Construction Fund	23,096.42
Impact Fee Fund	<u>40,139.12</u>
TOTAL	\$ 230,997.35

Discussion followed.

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE PORTER 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 EVANS AND SECONDED BY TRUSTEE WEGENER TO PAY BILLS AS PRESENTED IN THE AMOUNT OF \$230,997.35.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE EVANS	AYE
TRUSTEE HENLEY	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED

MOTION WAS MADE BY TRUSTEE BUSCHICK AND SECONDED BY TRUSTEE HENLEY TO SPLIT THE PROCEEDS OF \$1,256.00 BETWEEN THE GRANT TOWNSHIP FOOD PANTRY AND THE WAUCONDA FOOD PANTRY.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE EVANS	AYE
TRUSTEE HENLEY	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

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 HENLEY 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 reported that the work on the lower level of the Village Hall had been held up for two weeks due to waiting for the delivery of door frames.

The work on the parking lot has not been started and the company contracted to do the work has been difficult to contact. Village Engineer Pete Stoehr will continue to attempt to contact them.

Discussion followed.

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

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

PRESIDENT’S REPORT

President Russell reported that the Central Lake Unified Vision will be voted on at the meeting tomorrow night. It will then go to the state for the Phase I study.

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

ORDINANCES, RESOLUTIONS AND MOTIONS TO BE CONSIDERED

- 1. Motion to Accept Public Improvements subject to certain conditions – Volo Crossings Subdivision

Mr. Jack Anderson of Volo Commerce LLC addressed the members of the Board and explained that Volo Commerce had completed the punch list from Village Engineers Manhard Consulting, and have received approval from Lakes Region Sanitary District and are now requesting approval from the Village of their public improvements.

Village Engineer Peter Stoehr responded by reviewing a memo from Manhard Consulting confirming the approval of the Village Engineers.

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE PORTER TO ACCEPT THE PUBLIC IMPROVEMENTS SUBJECT TO CERTAIN CONDITIONS – VOLO CROSSING SUBDIVISION.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE EVANS	AYE
TRUSTEE HENLEY	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

AYES – 6, NAYS – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

2. Motion to Approve Request for Extension of Time Limit for Completion of Public Improvements – Ryland Homes – Lancaster North and South

This matter was reviewed and approved previously at tonight's meeting.

3. Motion to Approve Request for Extension of Time Limit for Completing Public Improvements – Cambridge Homes – Symphony Meadows

This matter was reviewed and approved previously at tonight's meeting.

4. Motion to Approve Manhard Proposal for Engineering Services for Phase I - Route 120/Fish Lake Road

After some discussion, this matter was withdrawn from consideration by The members of the Board.

5. This matter was reviewed and approved previously at tonight's meeting.

COMMENTS FROM RESIDENTS

Mr. Ken Barnick, President of the Terra Springs Homeowners' Association, thanked the Village for re-stripping Molidor Road as requested at a previous Board meeting. He also thanked the Sheriff's Department for stopping the motorists speeding through Terra Springs Subdivision.

Mr. Barnick continued to report that it appears that a curb was left unfinished on Terra Springs Drive.

President Russell referred this matter to the Safety Committee for further investigation.

Mr. Barnick had compiled a list of trees to be replaced in Terra Springs along with a map showing the location of these trees. The number of trees to be replaced was considerably more than originally requested at the August Board of Trustees meeting, therefore President Russell responded that this matter should be discussed further at a future meeting.

COMMENTS FROM GUESTS OUTSIDE VILLAGE

Mr. Henry Schaaf reported that the striping on Terra Springs off of Nippersink Road appears to be reversed resulting in cars stopping within the intersection. He asked if the Village might investigate this situation.

WEBSITE – VILLAGE TECHNICAL ADMINISTRATOR ERIC TISON

Village Technical Administrator Eric Tison reported that the closing of Fish Lake Road had been posted on the website as well as some new information from Groot regarding re-cycling.

COMMENTS FROM BOARD MEMBERS

There were no comments from the members of the Board at this time.

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE PORTER THAT A PORTION OF THE MEETING TO 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 5 ILCS 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.

8:42 P.M.: Meeting went into Executive Session.

MOTION WAS MADE BY TRUSTEE EVANS AND SECONDED BY TRUSTEE WEGENER TO RE-CONVENE THE PUBLIC MEETING.

ROLL CALL VOTE:

TRUSTEE BUSCHICK	AYE
TRUSTEE EVANS	AYE
TRUSTEE HENLEY	AYE
TRUSTEE PORTER	AYE
TRUSTEE WAGNER	AYE
TRUSTEE WEGENER	AYE

9:00 P.M.: Public Meeting was re-convened.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WAGNER TO ADJOURN THE BOARD OF TRUSTEES

MEETING. VOICE VOTE: ALL AYES.

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

Next Regular Board of Trustees meeting is scheduled for October 27, 2009

MINUTES SUBMITTED BY _____
Judith T. Rutishauser

MINUTES APPROVED ON NOVEMBER 10, 2009

BRD MTG MIN 10-13-09