

**VILLAGE OF VOLO
MINUTES OF THE REGULARLY SCHEDULED
BOARD OF TRUSTEES MEETING
DECEMBER 8, 2009**

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

Present: President Burnell Russell
Trustee Buschick
Trustee Henley
Trustee Wagner
Trustee Wegener

Absent: Trustee Evans
Trustee Porter

President Russell declared a Quorum present.

Other Staff in attendance were Village Attorney Nancy Harbottle, Village Engineer Bud Reed, and Village Clerk Judith Rutishauser. Also present were members of the public. (See attached sign in sheet.)

APPROVAL OF MINUTES

Minutes of the November 10, 2009 Regularly Scheduled Board of Trustees meeting were presented for review and approval.

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

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 0, ABSENT - 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

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

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

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 0, ABSENT - 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

Minutes of the November 24, 2009 Committee of the Whole Meeting were presented for review and approval.

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

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 0, ABSENT - 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

TREASURER’S REPORT – VILLAGE TREASURER CHERYL GROLLE

Due to inclement weather, President Russell had suggested that Village Administrator Ken Bucharadt, Village Treasurer Cheryl Grolle and Village Technical Administrator Eric Tison leave prior to the meeting tonight. In the

absence of Village Treasurer Cheryl Grolle, President Russell presented the monthly Treasurer's Report to the Board of Trustees.

STATEMENT OF ASSETS

| | |
|-------------------------|---------------------|
| General Fund | \$1,602,888.43 |
| Water Operations Fund | 159,954.22 |
| Water Construction Fund | 1,202,037.14 |
| Impact Fee Fund | <u>1,480,663.88</u> |
| TOTAL VILLAGE ASSETS | \$4,445,543.67 |

TRUST & AGENCY OUTSTANDING SUMMARY

| | |
|-------|---------------|
| TOTAL | \$ 169,265.05 |
|-------|---------------|

PROFIT & LOSS REPORT

| | |
|----------------------------------|---------------------|
| General Fund Net Income | \$ 688,760.74 |
| Water Operations Fund Net Income | 10,672.72 |
| Impact Fee Fund Income | 469,710.49 |
| Impact Fee Fund Expense | -0- |
| Water Construction Fund Income | -0- |
| Water Construction Fund Expense | <u>- 156,817.74</u> |

ACCOUNTS PAYABLE SUMMARY

| | |
|-------------------------|------------------|
| General Fund | \$ 118,450.38 |
| Water Operations Fund | 48,474.76 |
| Water Construction Fund | 15,276.25 |
| Impact Fee Fund | <u>92,324.32</u> |
| TOTAL | \$ 274,525.71 |

Discussion followed.

MOTION WAS MADE BY TRUSTEE BUSCHICK AND SECONDED BY TRUSTEE HENLEY 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 HENLEY AND SECONDED BY TRUSTEE BUSCHICK TO PAY BILLS AS PRESENTED IN THE AMOUNT OF \$274,525.71.

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 0, ABSENT - 2

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 HENLEY 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.

MOTION WAS MADE BY TRUSTEE WEGENER AND SECONDED BY TRUSTEE HENLEY 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 stated that he had nothing new to 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.

ENGINEER'S REPORT – VILLAGE ENGINEER BUD REED

Village Engineer Bud Reed reported that the water construction bid would not be accepted at this time.

PUBLIC HEARING - TRUTH IN TAXATION – TAX LEVY 2009-2010

Village Attorney Nancy Harbottle explained that, pursuant to the Truth In Taxation Act, it was necessary to hold a Public Hearing, since the Village of Volo had levied more than 105% of the amount received last year from the Lake County Tax Extension Office. The Public Hearing had been duly noticed with a black border in the designated newspapers.

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

PRESIDENT RUSSELL DECLARED THE MOTIO APPROVED.

7:40 P.M.: Public Hearing was opened

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

Village Attorney Harbottle reviewed the Tax Levy Ordinance with the members of the Board of Trustees.

MOTION WAS MADE BY TRUSTEE BUSCHICK AND SECONDED BY TRUSTEE HENLEY TO CLOSE THE PUBLIC HEARING. VOICE

VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

7:43 P.M.: Public Hearing was closed

ORDINANCES, RESOLUTIONS AND MOTIONS TO BE CONSIDERED

- 1. Motion to Approve Ordinance No. 0-09-416, an Ordinance Amending Village Code Section 7-2-3 to Prohibit Parking on Public Streets in Terra Springs Subdivision

Village Engineer Bud Reed reviewed the Ordinance with the members of the Board

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE WEGENER TO APPROVE ORDINANCE #0-09-416 AN ORDINANCE AMENDING VILLAGE CODE SECTION 7-2-3 TO PROHIBIT PARKING ON PUBLIC STREETS IN TERRA SPRINGS SUBDIVISION.

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 0, ABSENT – 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

- 2. Motion to Accept Appointment, by the Village President, of Freedom of Information Officers, Village Administrator Ken Buchardt and Village Technical Administrator Eric Tison

Village Attorney Nancy Harbottle reviewed critical recent changes in the current laws and regulation to the Freedom of Information Act with the Board of Trustees.

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE WAGNER TO ACCEPT THE APPOINTMENT OF VILLAGE ADMINISTRATOR KEN BUCHARDT AND VILLAGE

TECHNICAL ADMINISTRATOR ERIC TISON AS FREEDOM OF INFORMATION OFFICERS.

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 0, ABSENT – 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

3. Motion to Approve Ordinance No. 0-09-419 – Tax Levy Ordinance 2009-2010

MOTION WAS MADE BY TRUSTEE BUSCHICK AND SECONDED BY TRUSTEE WAGNER TO APPROVE ORDINANCE NO. 0-09-419, TAX LEVY ORDINANCE 2009-2010, IN COMPLIANCE WITH THE REQUIREMENTS OF THE TRUTH IN TAXATION ACT.

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 0, ABSENT – 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

4. Motion to Approve Ordinance NO. 0-09-420 – Ordinance Abating Taxes Heretofore Levied to Pay Interest and Principal on \$9,660,000 Village of Volo, Lake County, Illinois, Special Service Area Number Two Special Tax Bonds, Series 2004 (Remington Pointe Project), For the Year 2009

Village Attorney Nancy Harbottle reviewed the Ordinance with the Board of Trustees.

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE BUSCHICK TO APPROVE ORDINANCE NO. 0-09-420 ORDINANCE ABATING TAXES HERETOFORE LEVIED TO PAY INTEREST AND PRINCIPAL ON \$9,660,000 VILLAGE OF VOLO LAKE COUNTY, ILLINOIS, SPECIAL SERVICE AREA NUMBER TWO SPECIAL TAX BONDS, SERIES 2004 (REMINGTON POINTE PROJECT) FOR THE YEAR 2009.

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 2, ABSENT – 0

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

- 5. Motion to Approve Ordinance No. 0-09-421 – Ordinance Abating Taxes Heretofore Levied to Pay Interest and Principal on \$17,985,000 Village of Volo, Lake County, Illinois, Special Service Area Number Three Special Tax Bonds, Series 2006-1 (Symphony Meadows Project), for the Year 2009

Village Attorney Nancy Harbottle reviewed the Ordinance with the Board of Trustees.

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE WEGENER TO APPROVE ORDINANCE NO. 0-09-421 AN ORDINANCE ABATING TAXES HERETOFORE LEVIED TO PAY INTEREST AND PRINCIPAL ON \$17,985,000 VILLAGE OF VOLO, LAKE COUNTY, ILLINOIS, SPECIAL SERVICE ARA NUMBER THREE SPECIAL TAX BONDS, SERIES 2006-1 (SYMPHONY MEADOWS PROJECT) FOR THE YEAR 2009

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |

| | |
|------------------------|------------|
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 0, ABSENT – 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

- 6. Motion to Approve Ordinance No. 0-09-422 – Ordinance Abating Taxes Heretofore Levied to Pay Interest and Principal on \$17,985,000 Village of Volo, Lake County, Illinois, Special Service Area Number Four Special Tax Bonds 2006-2 (Symphony Meadows Project) for the year 2009

Village Attorney Nancy Harbottle reviewed the Ordinance with the Board of Trustees.

MOTION WAS MADE BY TRUSTEE WAGNER AND SECONDED BY TRUSTEE WEGENER TO APPROVE ORDINANCE #0-09-422 AN ORDINANCE ABATING TAXES HERETOFORE LEVIED TO PAY INTEREST AND PRINCIPAL ON \$17,985,000 VILLAGE OF VOLO, LAKE COUNTY, ILLINOIS, SPECIAL SERVICE AREA NUMBER FOUR SPECIAL TAX BONDS 2006-2 (SYMPHONY MEADOWS PROJECT) FFOR THE YEAR 2009

ROLL CALL VOTE:

| | |
|------------------------|---------------|
| TRUSTEE BUSHCIK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 0, ABSENT – 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

- 7. Motion to Approve Ordinance No. 0-09-423 – Ordinance Abating Taxes Heretofore Levied to Pay Interest and Principal on \$8,400,000 Village of Volo, Lake County, Illinois, Special Service Area Number Six Special Tax Bonds, Series 2006 (Lancaster Falls Project), for the Year 2009

Village Attorney Nancy Harbottle reviewed the Ordinance with the Board of Trustees.

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE BUSCHICK TO APPROVE ORDINANCE #0-09-423 ORDINANCE ABATING TAXES HERETOFORE LEVIED TO PAY INTEREST AND PRINCIPAL ON \$8,400,000 VILLAGE OF VOLO, LAKE COUNTY, ILLINOIS, SPECIAL SERVICE AREA NUMBER SIX SPECIAL TAX BONDS, SERIES 2006 (LANCASTER FALLS PROJECT), FOR THE YEAR 2009

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | ABSENT |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | ABSENT |
| TRUSTEE WAGNER | AYE |
| TRUSTEE WEGENER | AYE |

AYES – 4, NAYS – 0, ABSENT – 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

8. Motion to Approve Ordinance NO. 0-09-424 – Ordinance Regarding Taxes Heretofore Levied to Pay Interest and Principal on \$7,140,000 Village of Volo, Lake County, Illinois, Special Service Area Number Eight Special Tax Bonds, Series 2007 (Remington Pointe North Project), for the year 2009

Village Attorney Nancy Harbottle reviewed the Ordinance with the Board of Trustees.

MOTION WAS MADE BY TRUSTEE WEGENER AND SECONDED BY TRUSTEE BUSCHICK TO APPROVE ORDINANCE #0-09-424 ORDINANCE REGARDING TAXES HERETOFORE LEVIED TO PAY INTEREST AND PRINCIPAL ON \$7,140,000 VILLAGE OF VOLO, LAKE COUNTY, ILLINOIS, SPECIAL SERVICE AREA NUMBER EIGHT SPECIAL TAX BONDS, SERIES 2007 (REMINGTON POINTE NORTH PROJECT), FOR THE YEAR 2009.

AYES – 4, NAYS – 0, ABSENT – 2

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

COMMENTS FROM RESIDENTS

Mr. Ken Barnick, President of the Terra Springs Homeowners' Association, took this opportunity to thank the Village President, the Board of Trustees and the Village Consultants for working so diligently to formulate a solution to the parking situation in the Terra Springs Subdivision.

COMMENTS FROM GUESTS OUTSIDE VILLAGE

There were no comments or questions from guests outside the Village at this time.

WEBSITE – VILLAGE TECHNICAL ADMINISTRATOR ERIC TISON

Due to the Absence of Village Technical Administrator Eric Tison, there was no report at this time.

President Russell did comment on the Volo Tree Lighting Ceremony; there was a large number of adults and children who shared the festivities and treats and a good time was had by all.

COMMENTS FROM BOARD MEMBERS

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

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

7:55 P.M.: Meeting was adjourned.

Next Regular Board of Trustees meeting is scheduled for December 22, 2009

MINUTES SUBMITTED BY _____
Judith T. Rutishauser

MINUTES APPROVED ON _____