



**VILLAGE OF FOX LAKE
VILLAGE BOARD MEETING MINUTES**

STATE OF ILLINOIS,
Lake and McHenry Counties, }
Village of Fox Lake } ss.

At the regular Board Meeting, held in said Village and County in the State of Illinois at 7:00 p.m. on June 9, 2009 meeting was called to order by Mayor Bender. The following official business was transacted:

Roll Call

Present Mayor Bender: Village Clerk Weeks; Attorney Teegan; Trustees, Murrey, Kiesgen, Burt, Griseta, Mumford and Koske.

I. Preliminary Audience Comments – There were no Preliminary Comments this evening.

II. Approval of Minutes
Clerk Weeks stated there would be a correction to page six where a motion needed to be updated with Trustee Burt making the motion and not Trustee Ulasz. She stated the minutes would be corrected and redistributed.

Trustee Kiesgen made a motion to approve The Village Board Meeting Minutes of May 26, 2009 as amended, seconded by Trustee Griseta.

A roll call vote was taken as follows:

- Trustee Murrey Aye*
- Trustee Kiesgen Aye*
- Trustee Burt Aye*
- Trustee Griseta Aye*
- Trustee Mumford Aye*
- Trustee Koske Aye*

Motion Carried

III. Presentation – Village Profile
Robert Splett with Village Profile 33 N. Geneva St. Elgin, IL. Mr. Splett stated they have been publishing books and maps for 20 years and that they were fortunate that the Chamber of Commerce and Village Hall have allowed them to publish here for the last 10 years with 3 books and 2 maps.

He stated he would like to speak tonight about the Chamber's 100th Anniversary this year and handed the 100th Village of Fox Lake's book. He asked the Board Members to open to page 25 to see what they did. Mr. Splett stated he included 2 forms "A" talked about the electronic version. He stated 60 Days after the book is published it would become available online were they would be able to view the E-Book, the full book cover to cover and more importantly anyone who wished to download the book they will be able to do so. He stated it would also be available for hand held wireless devices. He stated their goal was to have everyone who uses their publications to be able to stay on the cutting edge. He stated the second sheet "B" shows rates and sizes.

Mayor Bender stated who are you working with, Mr. Splett stated he was working with the Chamber of Commerce. Mayor Bender stated with all of the electronics how many hard copies would be distributed. Mr. Splett stated 5000 copies.

Trustee Burt stated how does this get distributed. Mr. Splett stated the Chamber of Commerce would be handling the distribution and they had different distribution points around the community.

Trustee Burt stated how would the advertising work with the electronic version. Mr. Splett stated that anyone who was in the printed book would also have his or her ad in the electronic version as well. Trustee Burt stated how would you advertise, how will people know to go and look for this publication? Mr. Splett stated there a several different ways people could find this publication for instance someone could look on Google Community Profile. He stated if someone were looking at a community profile it would come up number one. You could use villageprofile.com and there will be a link for the Chamber of Commerce.

Trustee Griseta stated she would like to know if the price was comparable to the prior years publication. Mr. Splett stated there is a slight increase. He stated it has been out for about four weeks now and the reception has been really good even in light of the current economic times and people are embracing it.

Pace Suburban Bus – They were unable to attend this evening.

IV. Parks and Recreation Coordinator Update

Ms. Rogers stated her report was given at the Committee Meeting

V. Department Head Reports

A. BEHAN

Chief Behan stated this weekend we hosted our 4th Annual Chip the Dog's and Cat's program and we had about 18 cats and dogs that came in at no charge to the Village Residents. He stated they also had the Bike Rodeo and thanked everyone for coming. Chief Behan stated that there were between 60 and 80 children attended and smiling faces. He stated you would see all the kids with their helmets on when school lets out.

Chief Behan stated Trustee Griseta has three motions tonight and they all have to do with Administrative Hearing on the Red Flex and also Ordinance violations that we will be able to go to. He stated this is a start that we began about 2 years ago and it's coming to light now. He stated in 10 years these administrative hearings would pay dividends to the village.

Chief Behan stated he did meet with Red Flex, everything is on line they are moving forward and they are in front of IDOT now for the contract. He stated hopefully it would come to light by September or October of this year.

B. HOEHNE

Chief Hoehne was absent tonight.

C. HART

Mr. Hart stated he had an update Vern's Landing relocation of the electric. He stated he met with Com Ed, AT&T and the cable company. He stated most of the cable work is complete, AT&T has some service that should transfer over and it should be done with the landscaping by the end of the month. He stated we went through the various complaints and problems that came up out there and they will be addressing the residence concerns with the construction that was done. With the Fire Department and Administrative office have received several calls that should be done by the end of June first part of July.

D. WOLF

Ms. Wolf was absent due to illness.

E. HARAHAAN

Mr. Harahan stated what he wanted to do tonight is point out a particular disbursement on page 2 of the bills list. Under Clark Dietz the description is FSRF loan apps. He stated what the SRF stands for is State Revolving Fund. He stated what that signifies is the engineering work that was done with the stimulus money applications there are a number of project the village has presented as shovel ready projects. He stated he thought that would be of particular and would have interest to the Board Members

Trustee Griseta stated is there any progress on those, does it look like anything is coming our way. Mr. Harahan stated we are waiting to hear.

VI. Village Administrator Update

Ms. Schuerr stated follow she would like to talk about the budget. She stated we are moving along and have handed out some materials to be reviewed, we have a few more meetings and then we will be setting up our open meeting for public and hopefully we will have the budget done by the end of the month and have it on the agenda by next meeting for approval.

She stated on the stimulus package she did want to mention that there are a couple of other grants out there that we are waiting to hear from. There is one grant in particular that is attached to a Bill and if the Bill passes we may get that. She stated she has a list of different Grants that have been applied for and she would distribute that list to the Board Members.

Mayor Bender stated do you want to talk about the Salt Shed. Ms. Schuerr stated that is the one that is attached to one of the Bills out there and it may be passing on the Salt Shed that we need solely for the Street Department and storing salt for the winter and de-icing materials. This is a storage and containment facility. She stated they feel that bill will pass and it looks like the total cost will be covered. Mayor Bender asked where would this facility be located. Trustee Kiesgen stated where the existing one is located now or in that vicinity. Mayor Bender stated are you going to do away with the current

one. Trustee Kiesgen stated most of the current ones in Lake County are illegal, Mayor Bender stated illegal. Trustee Kiesgen stated with the old ones they are all leeching so much salt water into drainages, channels and lakes. He stated it's the same all over the state and it would be a great improvement for the whole area and everyone has to do it, this is a great bill. Mayor Bender stated are you saying the total cost will be covered. Nancy Schuerr stated that what it says in the write up that is attached to the bill, all expenses. Trustee Kiesgen stated although we don't have it yet. Trustee Kiesgen stated we are still legal but there is a deadline.

VII. Trustee Reports

A. Murrey

Trustee Murrey stated he did not have a report this evening.

B. Kiesgen

Trustee Kiesgen stated he did not have a committee meeting this evening however there was an item that was brought up during the last Board Meeting about the demolition of the house on Covington. Trustee Kiesgen stated we talked about the village mowing the lots. He stated he was traveling down Grand Ave. and he noticed the village mowers, mowing the Forest Ave., the old grade school. He stated that upset him and he didn't know the reason for it and since then he checked on it and found out a few things. He stated he spoke to Dan and inquired why we were doing this; he stated Dan stated he was asked to do this to make it look better. Trustee Kiesgen stated that he understood there might be some financial problems with the developer but our equipment is old any time your working on a property like that with a complete tear down, demolished and graded out and leveled as best they could but there is always debris like nails, rocks and re-bar and other things. He stated we don't want to tear up a thousand dollar tire or ruin our mowers. He stated Greg fixes them all the time because they hit obstructions and I don't think we want to be in the mowing business.

Trustee Mumford stated how many notices have we sent the property owners. Mr. Hart stated the property owner has been contacted several times, ticketed several times and his last comment to me was, "I don't care what you do, its not going to be mine much longer." Mr. Hart stated he wasn't going to do anything and evidently he is in some stage of foreclosure so he has refused. Trustee Mumford stated is it in foreclosure. Mr. Hart stated out of the 12 projects that they had in Lake County only one of them was started and Zion has had nothing but problems from them. Mr. Hart says as far as he knows the developer is broke and I spoke to an appraiser a short time ago who was looking for land value and that is one of the step going into an appraisal. Mr. Hart stated the developers comment was that he didn't care what the village did he wasn't going to do anything or respond. Trustee Koske stated are we going to cover our cost at all for maintaining that property. Mr. Hart stated he would go through the stages of placing a lien on the property for maintenance and every time it's done we lien the property. Mr. Hart stated it was his understanding in foreclosure those liens hold is that correct. Attorney Teegan stated he didn't think so I think their behind the mortgage and the demolition liens are ahead but he could check that out. Mr. Hart stated that what they have done is lien the property and that was the only recourse.

Mayor Bender stated he was talking to two developers that are interested in that property and are waiting for it to go through either bankruptcy or foreclosure process. He stated there are two people interested in that property so it won't go unused but in

the interim it looks like heck. Mr. Hart stated it is a perfect piece of property for development and the biggest problem that we have had with it is parking and downtown parking is a major issue.

Mayor Bender stated the sad thing is it went through Planning, Zoning and approved at the Board level and while waiting for them to come in for permits he calls me up and said I've got to sit down with you and the bottom line was he can't make money on it and its been in limbo ever since, would you agree. Mr. Hart concurred.

Trustee Griseta stated the proposal that you have of streamlining the planning, zoning the everything, this is a perfect case of that because this goes back a year ago maybe two that we all worked on it and nothing happened. So again getting the proper things in place and going forward holding them accountable and now we're stuck cutting grass on a vacant lot. She stated it's disheartening. Trustee Kiesgen stated one of my main concerns is we had two people retire from the Village Maintenance this year we had George and Bob now that's two men short. Trustee Kiesgen stated we've fought high water a couple of times this year and they are behind on everything. He stated he doesn't think it's fair making the guys work at this and they are working hard and to take on something like that, with one little accident could cost of a lot of money in equipment.

Trustee Kiesgen stated maybe Howard could answer that, how are we on liability on something like that. Attorney Teegan stated the Village insurance would cover that because the Village is statutorily authorized to do it after serving notices, I don't think it's a liability. He stated I'll check to see who has priority and that may give us a clue to see if we want to mow these types of places on a regular bases. He stated if you are not a priority then you might think differently about maintaining these types of places.

C. Burt

*Trustee Burt made a **motion** to approve the Bill List dated June 09, 2009 in the amount of \$320,184.70 seconded by Trustee Griseta.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<i>Trustee Kiesgen</i>	<i>Aye</i>
<i>Trustee Burt</i>	<i>Aye</i>
<i>Trustee Griseta</i>	<i>Aye</i>
<i>Trustee Mumford</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried

*Trustee Burt made a **motion** to ratify the Manual Check List dated June 09, 2009 seconded by Trustee Koske.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<i>Trustee Kiesgen</i>	<i>Aye</i>
<i>Trustee Burt</i>	<i>Aye</i>
<i>Trustee Griseta</i>	<i>Aye</i>
<i>Trustee Mumford</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried

Trustee Burt made a ***motion*** to approve the purchase of Website Software, Adobe Creative Suite 4 Web Premium, from CDW Government in the amount of \$1,609.00 seconded by Trustee Kiesgen.

A roll call vote was taken

Trustee Murrey Aye

Trustee Kiesgen Aye

Trustee Burt Aye

Trustee Griseta Aye

Trustee Mumford Aye

Trustee Koske Aye

Motion Carried.

D. Griseta

Trustee Griseta stated that Chief Behan and the group did a great job on Saturday, we had the Dog Chip event in the morning and the Bike Rodeo in the afternoon, Dog and Suds handed out hot dogs and there were chips and toys and helmets for the kids and it was a nice event. Trustee Griseta stated going forward she would like to see more people at these types of events. Trustee Griseta stated Chief Behan did a great job and thanked him. She stated these types of event support the community.

*Trustee Griseta made a **motion** to approve Resolution 2009-R-18, A Resolution Agreeing to Indemnify the State of Illinois for Photo Enforcement Equipment Attached to IDOT Facilities seconded by Trustee Burt.*

A roll call vote was taken

Trustee Murrey Aye

Trustee Kiesgen Aye

Trustee Burt Aye

Trustee Griseta Aye

Trustee Mumford Aye

Trustee Koske Aye

Motion Carried

*Trustee Griseta made a **motion** to approve Ordinance 2009 - 15, An Ordinance Establishing Administrative Hearing Procedures for Certain Ordinance Violations seconded by Trustee Kiesgen.*

Trustee Mumford stated is this also to establish a position for the Administrative Hearing. Attorney Teegan stated the Hearing Officer is not appointed in this. He stated this is to get the facilities up and running at one point when we are ready to implement it then the appointment will take place.

A roll call vote was taken

Trustee Murrey Aye

Trustee Kiesgen Aye

Trustee Burt Aye

Trustee Griseta Aye

Trustee Mumford Aye

Trustee Koske Aye

Motion Carried

*Trustee Griseta made a **motion** to approve Ordinance 2009 -16, An Ordinance amending the Fox Lake Municipal Code to Provide for Automated Traffic Law Enforcement Systems and for Administrative Adjudication of Automated Traffic Law Violations seconded by Trustee Burt.*

A roll call vote was taken

Trustee Murrey Aye

Trustee Kiesgen Aye

Trustee Burt Aye

Trustee Griseta Aye

Trustee Mumford Aye

Trustee Koske Aye

Motion Carried

E. Mumford

Trustee Mumford stated Nancy Rogers received three thank you letters from various organizations thanking the Village and Ms. Rogers for the use of the Lake Front Park facility. He stated they were from Daisy Troop 409, Lake County Assessment Office and the United States Department of Commerce.

F. Koske

Trustee Koske read the Building Report for the month of May 2009 as follows: total permits issued were 88, no new residential construction and no new commercial construction.

Trustee Koske read the Fire Marshall Report as follows; 18 Rental Inspections, 2 Re-Inspections, 25 Business Inspections, 2 Re-Inspections 11 Hydro Tests and 31 Site Inspections.

Trustee Koske stated she had a business license application from Wave Rave's Inc. it will be located at 716 Grand Ave. Fox Lake. She stated it would be an auto, boat and RV detail business. Trustee Koske stated we would like to welcome them to our community.

Trustee Koske made a motion to accept the Zoning Board of Appeals recommendation and approve the side yard set backs at the lower house at 133 Cora Ave. and to continue to allow the upper house as a nonconforming use provided that it be maintained only as a single family dwelling and also that the use not be continued if the structure is damaged by more than 50% of its value by fire or other casualty seconded by Trustee Murrey.

Trustee Burt stated the damage of 50% is for the Duplex is that correct and once that is damaged then its over. Trustee Mumford stated once we get in there for inspection ever year or two as Trustee Murrey stated, we wouldn't know if it had massive water damage unless we inspect the property. Attorney Teegan stated in his mind that crosses the line, I think they run the risk of their non-conforming use if they engage in something that's not called for in the motion. He stated, you could state you are no longer permitted non-conforming use if you caught them. Attorney Teegan stated he did not like to stray into private residences. Trustee Mumford concurred.

A roll call vote was taken

Trustee Murrey Aye
Trustee Kiesgen Aye
Trustee Burt Aye
Trustee Griseta Aye
Trustee Mumford Aye
Trustee Koske Aye

Motion Carried

Trustee Koske made a motion to approve the Outdoor Music Variance request from the Fox Lake Volunteer Fire Department seconded by Trustee Griseta.

A roll call vote was taken

Trustee Murrey Aye
Trustee Kiesgen Aye
Trustee Burt Aye
Trustee Griseta Aye
Trustee Mumford Abstain
Trustee Koske Aye

Motion Carried

VIII. Attorney's Comments – Attorney Teegan stated he did not have any comments tonight.

IX. Consent Agenda

*Trustee Burt made a **motion** I move that items A and B be established as the Consent Agenda for this meeting by unanimous vote, seconded by Trustee Griseta.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Kiesgen Aye
Trustee Burt Aye
Trustee Griseta Aye
Trustee Mumford Aye
Trustee Koske Aye

Motion Carried

*Trustee Griseta made a **motion** that the consent agenda as established by the prior motion be passed, seconded by Trustee Koske.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Kiesgen Aye
Trustee Burt Aye
Trustee Griseta Aye
Trustee Mumford Aye
Trustee Koske Aye

Motion Carried

X. Presidents Comments

Mayor Bender wished Trustee Koske a happy birthday. Mayor Bender stated his wife made and brought in homemade brownies for everyone to enjoy.

XI. Audience Comments

There were no audience comments this evening.

XII. Executive Session

*Trustee Murrey made a **motion** to retire into executive session at 7:38PM for collective bargaining negotiations to include Village Administrator, Nancy Schuerr seconded by Trustee Mumford.*

A role call vote was taken as follows:

*Trustee Murrey Aye
Trustee Kiesgen Aye
Trustee Burt Aye
Trustee Griseta Aye
Trustee Mumford Aye
Trustee Koske Aye*

Motion Carried

Mayor Bender stated there would be no action taken after the Executive Session.

*Trustee Koske made a **motion** to reconvene the Village Board Meeting at 8:04PM seconded by Trustee Mumford*

A role call vote was taken as follows:

*Trustee Murrey Aye
Trustee Kiesgen Aye
Trustee Burt Aye
Trustee Griseta Aye
Trustee Mumford Aye
Trustee Koske Aye*

Motion Carried

XIII. Adjournment

Trustee Murrey made a motion to adjourn the Village Board Meeting at 8:05PM seconded by Trustee Griseta.

A role call vote was taken as follows:

*Trustee Murrey Aye
Trustee Kiesgen Aye
Trustee Burt Aye
Trustee Griseta Aye
Trustee Mumford Aye
Trustee Koske Aye*

Motion Carried

Meeting was adjourned at 8:05 P.M.

Samantha Weeks
Village Clerk

Consent Agenda

- A. A motion to approve Ordinance 2009-14, an Ordinance Amending the Code of the Village of Fox Lake in Order to Regulate the Use of Skateboards.**
- B. A motion to approve Resolution 2009-R-17, a Resolution Authorizing the Mayor and Village Clerk of the Village of Fox Lake, to Sign and Thereby Accept the Proposal from DPS Equipment Services, Inc. for the Primary Clarifiers and Final Clarifiers Reconditioning Project at the Northwest Regional Water Reclamation Facility.**