

Dr. Dam stated he wanted to apologize to the community and this Board; it appears a major oversight occurred during my administration. In 1980 we became aware that people were building structures that were not up to the standards of our sister communities; we commissioned the Zoning Board to revamp the Fox Lake Village Codes. It appears that somehow or someway they excluded having a church in our downtown central community. We have 56 liquor licenses in the downtown, but the zoning book excludes churches. We should consider modifying this oversight on my part, somehow a church should be allowed in the downtown community. This church is doing positive things in our community and we need to give them the opportunity to move to the Bliss Kitchen Building. The Board can't waive the due process of a variance but they can waive the \$1,100 fee and perhaps the whole concept can be changed. I am asking the Village Board to favorably look at their request.

II. Approval of Minutes

Trustee Koske made a motion to approve the Village Board Meeting Minutes as presented of January 26th, 2010 seconded by Trustee Burt.

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Absent</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>Absent</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried

III. Village Administrator Update

Nancy Schuerr stated she would like to present the Bill List and asked if there were any questions. She stated if there were no questions there would be a motion made to pass the Bills List.

Ms. Schuerr stated we discussed at the last meeting; Keith Peterson has given you a memo with a better explanation why he is asking for a part-time laborer. They are in the process of hiring a full-time person; we are also short of help due to some medical situations so he has asked for a part-time person. I have talked with the Union and they are open to this possibility, there will be a motion under the Sewer and Water area for a request to hire part time help.

I also want to mention that someone left our employ at the front desk; we had a part-timer helping for relief at the front desk to cover lunch hours and we would like to replace that person so we would like to go out and post the job and hire someone to replace that person. This position is 2 hours a day; if the Board is ok with us moving forward on rehiring for that position.

I also want to announce some training certificates; we are going through the training for the new FOIA regulations. Carol Ward, Annette Wolf and Debbie Little have completed the training and earned certificates for their training. Carol Ward has also earned a certificate for training for the Open Meeting Act. This is on line training and I want to thank them for taking the time to do that.

Mayor Bender asked for a moment for protocol. He asked Deputy Clerk Ward if we require a motion to post the open position for you; I do not see a motion on the agenda this evening, Deputy Clerk Ward stated no at this point we are requesting to post for the position.

IV. Recess to Committee of the Whole

Trustee Koske made a motion to recess into the Committee of the Whole Meeting at 6:45 PM seconded by Trustee Griseta.

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Absent</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>Absent</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried

V. Committee of the Whole

A. Finance

- Discussion – Trustee Burt stated the budget process is moving along splendidly I am being told; we are at the point we will be presenting the preliminary items in the next couple weeks. The promised packet also was placed in your mailbox for the reorganization of the business office. Some of the things we were looking at is it has provided much more professionalism and coverage we would be saving about \$7,000 a year. Please look the packet over and if you have any questions please let us know. Trustee Burt asked Walter Korpan if he had anything to add. Walter stated the budget process is working well, I am learning as well and the process is rewarding because I see the great things that are done by the division heads within the community. One of the things we are looking at carefully is to make sure every dollar we have is used to the best interest of the Village and to make sure our revenue stream is exactly as it says in the budget. We are finding some things that will make the budget as tight as possible and to make the people accountable for the money they have put into the budget. Nancy and I am working toward this to be completed. Mayor Bender stated Trustee Burt, Nancy and Walter have put in a lot of time reorganizing the Finance area; two things that I like about it; one it saves \$7,000; secondly and most importantly it establishes a clean cut check and balance which we have been lacking for a period of time. When we came into office we realized that rather quickly; I know you got it just placed in your mailbox and it is for information only until the next board meeting but if you have any questions contact any one of us and we will be happy to go through it with you. I want everyone comfortable on that move as it is a significant move. The principal item is the check and balances for the dollars we are charged to keep track of.

B. Building and Zoning

- Trustee Griseta read the monthly report for the Building Department.
- Discussion – Request for a Waiver of Fees for Zoning Board Hearing for the Edge Church, 42 E. Grand Avenue. I am going to open the discussion, personally going through the Ordinance Books, and as I sat on the Planning Board. The issue I have as a Church you are in the wrong zoned area. The downtown business district states in our ordinance, street level floor must be 100% business. While I understand you do a lot of things in the community we do want a downtown business district. We have talked about it as we are going through our comprehensive plan; going from York to Nippersink specifically is designated as the downtown business district. If there is anything that can be

done to find you something in town close enough where people could get to you; I would be all for that I don't want to see you leave the community. When you came in to rent 42 E. Grand Avenue did you receive a business certificate? It was inspected, there was a sign permit, but there is no signed business license. It is not an allowable use in the that zoning district, and Bill sent a letter stating you are cease operations as a church and Bill reiterated that back in January and it is still functioning. As much as I want to help but that specific location is not the proper place for your church. Trustee Burt stated I applaud you for the wonderful things you are doing in the community, I personally have quite a bit of free time this winter and I would be more that happy to assist in finding a location that would be suitable for the church. We have a number of vacant properties, and we certainly can find you a location. I reiterate what Trustee Griseta said and we certainly don't want you to leave town, but the specific location you are in is not a suitable location. There are state statutes requiring that if you are within a 100 feet of a church you can't have a liquor license. There are three liquor licenses within that location. We have no control over that certainly can't close down establishments that have already been there. Again I offer my services. Trustee Kiesgen stated I think we all feel the same we would like to see the church go forward; however we have zoning ordinances that we have to live by. Like Trustee Griseta and Trustee Burt stated we will do everything to help you find a location, but where you are I don't feel is suitable. Trustee Koske stated it is a shame but I agree and I wish the best of luck of finding another location. We all want you to stay in town; we will all help you find another location. We want you to succeed and continue to help the congregation and community. I feel you are in the wrong place accordingly to our Zoning Ordinance; I don't hear anyone interested in changing it to allow for a church in the business district. I don't feel the support is there at this time. Trustee Griseta stated it is zoning a Downtown Zoning District, what that it is serving the general shopping needs of the consumer population. We are willing again to work with you, but this request I cannot vote yes for. Trustee Burt stated you are requesting for a waiver of the fees, and based on the board discussion I think that would be a waste of your time, because the Board feels it is not the appropriate zoning and would not approve a variance at this specific location.

C. Parks and Recreation

- Mayor Bender stated Trustee Mumford is not here and asked if anyone was aware of any updates. He asked Lt. Gliniewicz how the Polar Plunge was going. He stated it is the 28th at Lakefront Park and the Police Department has two teams. All proceeds goes to Special Olympics.

D. Planning

- Trustee Koske stated she has a business application for Michaels Ultimate Detailing at 91 S. Route 12 and a business application for Antique Cruiser at 95 Christopher Way. She welcomed the new businesses in town. Trustee Koske stated she went to the seminar on Bike Paths with Nancy Schuerr and Dan Miller. Actually it was very interesting it was a 4 hour seminar, we may be able to paint a line on our street and call it a bike route with the proper signage it is a possibility. Dan will be looking into further. Trustee Kiesgen and I will be meeting with Metra about fixing up the downtown area at Grand and Nippersink and during that discussion we might see how much Metra wants to participate in that. I have been working with Carol Ward on the garbage contract that will be coming up, Carol has sent out a survey through the Clerk's Association to get

some information on various contracts. We will also be willing to meet with Swalco who is more that willing to work with us in the negotiation of our contract; they have done that previously and we have had very good results. Trustee Koske asked if there were any input from the recommendations, for the downtown district, the lakefront district or the Route 12 corridor, and Chapters 1-3. There were no comments. Trustee Koske stated we are working on the mapping right now, we have a person on the planning board that has volunteered to update the mapping. Mark Warnecke will do that for us in house.

D. Public Safety

- Trustee Griseta stated she has no report tonight.

E. Sewer and Water

- Mayor Bender stated Trustee Murrey is absent, the Engineers had requested to be absent from tonight's meeting as they have no update for this meeting.

F. Streets

- Trustee Kiesgen stated the streets are being maintained and I feel they have done a very good job. They will be cleaning up the downtown area this evening and moving some of snow piles. We had a total of 13 inches; we do anticipate some blowing of snow. Trustee Koske stated they did a good job, and please thank all the Street Department Employees for us.

VI. Motion to adjourn from Committee of the Whole and Reconvene Village Board

- *Trustee Griseta made a **motion** to adjourn from the Committee of the Whole and reconvene the Village Board Meeting at 7:04 PM seconded by Trustee Burt.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Absent</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>Absent</i>
<i>Trustee Koske</i>	<i>Aye</i>
<i>Motion Carried</i>	

VII. Motions for Approval

- **Finance**

1. *Trustee Burt made a **motion** to approve the Bill List dated February 9, 2010 in the amount of \$332,977.31 seconded by Trustee Koske.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Absent</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>Absent</i>
<i>Trustee Koske</i>	<i>Aye</i>
<i>Motion Carried</i>	

2. *Trustee Burt made a **motion** to ratify the Manual Check List dated February 9, 2010 seconded by Trustee Kiesgen.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Absent</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>Absent</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried

• **Building**

1. *Trustee Griseta made a **motion** to deny the request for waiver of fees for the Free Church at 42 E. Grand Avenue for a Zoning Board Hearing, seconded by Trustee Burt*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Absent</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>Absent</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried.

2. *Trustee Griseta made a **motion** to approve Ordinance 2010-05., An Ordinance Amending Sections 1-9-3-1, 1-9-3-2, 1-9-3-4, 1-9-3-14, and 8-8-5 of the Village Code to Authorize Code Enforcement Activities on a Contract Basis, seconded by Trustee Koske*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Absent</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>Absent</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried

3. *Trustee Griseta made a motion to approve Resolution 2010-R-03, a Resolution approving and Agreement with B & F Technical Code Services to provide Code Enforcement Services for the Village on a Contract Basis, seconded by Trustee Koske.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Absent</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>Absent</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried

- **Sewer and Water**

1. *Trustee Koske made a **motion** to approve the hiring of temporary help of a Laborer for the Local Sewer and Water Department at a rate of pay of \$13.00 per hour, seconded by Trustee Kiesgen.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Absent</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>Absent</i>
<i>Trustee Koske</i>	<i>Aye</i>
<i>Motion Carried</i>	

VIII. Attorney Comments

Attorney Teegan stated I want to bring you up to date on the IDOT Annexation Agreement at Route 12 and Brandenburg Road. He stated we had a corrected survey done and it has been sent to IDOT so we should be able to move forward very soon.

IX. Presidents Comments

Mayor Bender stated I believe everyone received a letter from the Fox Lake Library District inviting us to tour their new facility. I would like everyone to send a couple dates they are available so we can go as a group instead of one at a time.

X. Audience Comments

Dr Dam stated thank you once again. I know how hard these Trustees are working and how dedicated Trustee Bender is to revitalizing our downtown. Over the years I have invested in Fox Lake, I have 58 rentals, 7 vacancies. The mortgage payment, property tax, water bill, they all come due throughout the year. I hope you succeed in your endeavor; many of us are ready, willing and able to serve. We are willing to put money into it; we are willing to put the blue jeans on and do the work. I am hoping to hear some kind of plan for downtown beautification. We are ready and willing to support a special taxing district. I am saddened that I was in violation by allowing the Church to be in the downtown area. Mayor Bender stated there is another group that is working on the development of a business plan. I want to be clear although it was denied, you have at least three Trustee's who volunteered to work with the Church to find a location that is suitable for you. We are supportive of a church just not at that location.

XI. Executive Session

Attorney Teegan stated we need to add Sale and Acquisition of Real Estate as well to the motion for Executive Session..

*Trustee Koske made a **motion** to retire into executive session for Personnel Matters, Review Executive Session Minutes and Sale and Acquisition of Real Estate and to include the Village Administrator Nancy Schuerr at 7:17 PM seconded by Trustee Griseta.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Absent</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>Absent</i>

Trustee Koske *Aye*
Motion Carried

Mayor Bender stated there will be no motion this evening regarding the Sale and Acquisition of Real Estate.

XII. Reconvene the Village Board Meeting

Trustee Burt made a motion to reconvene the Village Board Meeting at 8:20PM seconded by Trustee Kiesgen

A role call vote was taken as follows:

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

Motion Carried

Trustee Koske made a motion to approve the Executive Session Minutes of April 14, 2009, seconded by Trustee Kiesgen.

A role call vote was taken as follows:

Trustee Murrey *Absent*
Trustee Kiesgen *Aye*
Trustee Burt *Abstain*
Trustee Griseta *Abstain*
Trustee Mumford *Absent*
Trustee Koske *Aye*
Mayor Bender *Aye*

Motion Carried

Trustee Koske made a motion to approve the Executive Session Minutes of May 26, 2009 (Sessions 1, 2 and 3); June 9, 2009; July 14, 2009 (Sessions 1 and 2); July 28, 2009 (Sessions 1 and 2); August 11, 2009 (Sessions 1, 2 and 3); August 25, 2009 (Sessions 1, 2, 3 and 4); September 8, 2009 (Sessions 1 and 2); October 13, 2009; December 1, 2009; and January 12, 2010, seconded by Trustee Kiesgen.

A role call vote was taken as follows:

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

Motion Carried.

Mayor Bender made the statement the need for confidentiality still exists as to minutes which have not been released.

Trustee Griseta made a motion to accept the resignation of Wilner Hart, Building Commission effective March 1, 2010, seconded by Trustee Koske.

A role call vote was taken as follows:

Trustee Murrey *Absent*
Trustee Kiesgen *Aye*
Trustee Burt *Aye*
Trustee Griseta *Aye*
Trustee Mumford *Absent*
Trustee Koske *Aye*
Motion Carried

*Trustee Griseta made a **motion** to authorize the Mayor to sign the Separation Agreement with Wilner Hart, seconded by Trustee Burt.*

A role call vote was taken as follows:

Trustee Murrey *Absent*
Trustee Kiesgen *Aye*
Trustee Burt *Aye*
Trustee Griseta *Aye*
Trustee Mumford *Absent*
Trustee Koske *Aye*
Motion Carried

XIII. Adjournment

Trustee Burt made a motion to adjourn the Village Board Meeting at 8:25PM seconded by Trustee Griseta.

A role call vote was taken as follows:

Trustee Murrey *Aye*
Trustee Kiesgen *Absent*
Trustee Burt *Aye*
Trustee Griseta *Aye*
Trustee Mumford *Absent*
Trustee Koske *Aye*
Motion Carried

Meeting was adjourned at 8:25 P.M.

Carol Ward
Deputy Village Clerk