



## VILLAGE OF FOX LAKE VILLAGE BOARD MEETING MINUTES

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

At the regular Board Meeting, held in said Village and County in the State of Illinois at 6:30 p.m. on September 10th, 2019 meeting was called to order by Mayor Schmit. The following official business was transacted:

### 1. Call to Order

#### Roll Call

Present Mayor Schmit; Village Attorney Howard Teegen; Trustees: Jensen, Stochl, Konwent, Marr, Moore and Koske.

Staff also in attendance: Anne Marrin, Laura Linehan, Kealan Noonan, Jimmy Lee, Jr., Ryan Kelly, Phillip Love.

### 2. Approval of Minutes

*Trustee Konwent made a motion to approve the Village Board Meeting Minutes for August 27, 2019 as presented, seconded by Trustee Marr. All were in favor. Motion Carried*

### 3. Approval of the Warrant

*Trustee Marr made a motion to approve the Expenditures/Warrants/ Transfers for September 10, 2019 in the amount of \$480,113.74, Seconded by Trustee Moore.*

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye
Trustee Koske	Aye

***Motion Carried***

**4. Special Business (Appointments, Swearing In Ceremonies, Proclamations)**

**A. Fox Lake Queens**

*The 2018 Fox Lake Queens thanked everyone for the opportunity to represent the Village for the past year. The 2019 Fox Lake Queens introduced themselves and shared their excitement for the upcoming year.*

**B. Retirement of Police Services Director Mark Van Stedum**

*Mayor Schmit thanked Mark for his services over the past two years and the positive impact he's had on the Village. Chief Lee shared all of Mark's accomplishments during his time of service and presented him with a plaque. Mark shared his thanks and appreciation for the town accepting him and that he enjoyed coming into the Village each day.*

**5. Village President's Report**

*Mayor Schmit said the Town Hall Meeting will be September 25<sup>th</sup>.*

**6. Village Administrator's Report**

*Anne Marrin said the Village is working with Lake County on STP programing and the funding will be minute over the next three years. The Village is currently programming all of their road projects and submitting applications for them. The Village will look into other funding options so that Federal funding will continue to be the first choice.*

*Staff met with Verizon about small cell tower deployment. Looks like in the next few months, Verizon will want to pull permits to locate the small cell towers in town.*

**7. Village Attorney Report**

*There is none.*

**8. Village Treasurer's Report**

*There is none.*

**9. Preliminary Audience Comments (on Agenda Items Only)**

*There is none.*

**10. Motion to Recess to Committee of the Whole Meeting**

*Trustee Konwent made a **motion** to recess to the Committee of the Whole, seconded by Trustee Jensen. All were in favor. **Motion Carried**.*

**A. Strategic Planning Team Reports**

**1. Public Outreach and Technology**

*Mayor asked for comments from Public Outreach and there was none.*

**2. Economic Development**

*Mayor asked for comments from Economic Development and there was none.*

### 3. Infrastructure

Kealan Noonan, Public Works Director

- Grand Ave – Coming to the end of the project. Paving east of the bridge tomorrow and west of the bridge on Thursday, then side streets on Friday.
- Grace Ave – Material to be delivered tomorrow and utility work will start on Thursday.
- Interconnect Project – Met with Kennedy was today and hoping to grind out the asphalt and dig trenches for water and sewer tomorrow. They plan to start laying pipe on Friday. Working with Metra because there will be temporary parking closures along Nippersink.

Trustee Koske asked about a new sewer that popped up in front of the gas station. Kealan said it's a storm sewer that was recently installed but due to all the flooding that took place the contractor will address this quickly and they will be fixing it.

### 4. Recreation

Laura Linehan, Assistant to the Village Administrator

- Meetings will be held the second Thursday of every month, at 3pm.
- Working on the Mayor's Fish Fry.

## 11. New Business

**A. Resolution 2019-R-72:** A Resolution Ratifying Acceptance of the Bid Awarding the Contract for the NWRWRF Aeration Header Replacement Project to Dahme Mechanical Industries, Inc.

*Low bid came in at \$630K. Staff is recommending accepting this contract and it is a budgeted item. Trustee Stochl asked why the bid came in so much lower than the Engineers estimate of \$1.1M. He said that didn't seem right to have such a large variance. Anne Marrin said that when projects don't go through the Federal funding process, there aren't so many hoops to jump through in terms of estimation. When funds are available in the budget, and the project will knowingly be picked up fast by a contractor, that's when these larger variances occur.*

**B. Ordinance 2019-35:** An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake by Granting a Special Use Permit to Sheila Byrnes to Operate a Short-term Housing Rental Business at 144 Eagle Point Road Units A and B.

*This was approved at the last Village Board Meeting on August 27<sup>th</sup>. This will allow Attorney Teegen to amend the Ordinance.*

**C. Ordinance 2019-36:** An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake by Granting a Special Use Permit to Nathan Noel to Operate a Short-term Housing Rental Business at 180 Howard Court.

*This was approved at the last Village Board Meeting on August 27<sup>th</sup>. This will allow Attorney Teegen to amend the Ordinance.*

**D. Ordinance 2019-37:** An Ordinance Amending the Appointment of a President Pro Tem and Successor in the Event of an Emergency.

*Staff requests this change to the code in the Emergency Operation Plan. This is establishing an updated succession plan. Once it is approved, it will be filed with Lake and McHenry County. This will allow an individual to step in for the Village President should there be a national State or Local emergency in which the President is incapacitated. This will keep the Village operating legally and efficiently. There is no budgetary impact at this time.*

**E. A Motion to Approve the Façade Improvement Program Application for Don Otway, Owner of 50 E. Grand Avenue.**

*The owners will pay \$5,780, while the Village portion will be \$2,092. This will cover painting and fixing cracks.*

**12. Old Business**

There is none.

**13. Motion to Adjourn from Committee of the Whole and reconvene Village Board Meeting**

*Trustee Koske made a motion to adjourn from Committee of the Whole and reconvene Village Board Meeting, seconded by Trustee Konwent. All were in favor. Motion carried.*

**14. Items to be Removed from Consent Agenda**

*There is none.*

**15. Consent Agenda**

All items listed on the Consent Agenda are considered to be routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Trustee so requests, in which event the item will be removed from the general order of business and considered under the Approval of Exceptions.

**A. Resolutions**

1. Resolution 2019-R-72: A Resolution Ratifying Acceptance of the Bid Awarding the Contract for the NWRWRF Aeration Header Replacement Project to Dahme Mechanical Industries, Inc.

**B. Ordinances**

1. Ordinance 2019-35: An Ordinance Accepting the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit for Nathan Noel to Operate a Short-Term Rental at 180 Howard Court.
2. Ordinance 2019-36: An Ordinance Accepting the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit for Sheila Byrnes to Operate a Short-Term Rental at 144 Eagle Point Road Units A and B.
3. Ordinance 2019-37: An Ordinance Amending the Appointment of a President Pro Tem and Successor in the Event of an Emergency.

**C. Motions**

1. A Motion to Approve the Façade Improvement Program Application for Don Otway, Owner of 50 E. Grand Avenue.

*Trustee Jensen made a motion to move that items Resolutions A-1, Ordinances B-1-3, and Motions C-1 be established as the Consent Agenda for this meeting by unanimous vote, seconded by Trustee Konwent.*

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye
Trustee Koske	Aye
<b><i>Motion Carried</i></b>	

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

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye
Trustee Koske	Aye
<b>Motion Carried</b>	

**16. Approval of Exceptions**

*There are no exceptions.*

**17. For the Good of the Order**

*Mayor Schmit said the Village is in the process of acquiring the right aways for the Interconnect Project. Trustee Moore, as a follow up on her comment from the previous Board Meeting, said that Jonathan Wells placed 5<sup>th</sup> in high jump in the USA versus Europe Championship. He tied his best record of 7'5".*

**18. Audience Comments**

*There are none.*

**19. Reconvened Hearing regarding the Special Use Permit for the Property Located at 100 S. Route 12, Fox Lake, Illinois.**

*Mayor Schmit reopened the hearing for the Special Use Permit on 100 S. Route 12. He asked if anyone would like to speak on the matter.*

**20. Public Comment Regarding the Special Use Permit for the Property Located at 100 S. Route 12, Fox Lake, Illinois.**

*Zach Steffins of Culvers said he has a proposal and bid to remove all obstructions and encroachments. The Court Hearing was continued 14 days for findings and another 28 days to rebut the findings. They is also discussion of a buyout of the properties. Zach still needs to get an access easement agreement from the 90 S. Rte 12 property owner, in order to remove the encroachments. He continues to move towards whichever solution gets this done the quickest and the best way possible for both parties. Zach concluded by saying they are coming closer to a financial agreement but he also has a bid in case the financial agreement doesn't go through.*

*Attorney Howard Teegan asked whether the proposal had any impact on the entrance. Zach said the proposal had no impact because IDOT doesn't want the entrance changed. The only person who can potentially change that, is the owner of 90 S. Rte 12 but that is the entrance that IDOT originally wanted. Howard asked if the proposal does not include a cure for that 90 S. Rte 12 entrance. Zach confirmed that the proposal will fix everything below and above ground with exception of that 90 S. Rte 12 entrance. Mayor asked for any additional comments and there were none.*

**21. Executive Session Executive Session: Deliberations on the Reconvened Hearing Regarding the Special Use Permit for the Property Located at 100 S. Route 12, Fox Lake, Illinois, Review of Executive Session Minutes and Personnel.**

*Trustee Koske made a **motion** to retire into executive session at 7:01p.m. for discussion on pending litigation pursuant to 5 ILCS 120/2(c)11; Deliberations on the Reconvened Hearing regarding the Special Use Permit for the Property located at 100 S. Route 12, Fox Lake, IL, review of Executive Minutes and Personnel Matters to include Mayor Donny Schmit, Village Administrator Anne Marrin, Assistant to the*

*Village Administrator Laura Linehan, Police Chief Lee, Attorney Howard Teegan, seconded by Trustee Konwent. All were in favor. **Motion Carried.***

**22. Reconvene the Village Board Meeting**

*Trustee Koske made a motion to reconvene the Village Board meeting, seconded by Trustee Konwent. All were in favor. **Motion Carried.***

**23. Possible Motion Coming out of Executive Session**

*Trustee Moore made a motion to approve the eleventh supplemental Village Board findings related to the Special Use Permit for the Property located at 100 S. Route 12, Fox Lake, IL, seconded by Trustee Koske.*

*A roll call vote was taken as follows:*

<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Aye</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Moore</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>
<b><i>Motion Carried</i></b>	

*Trustee Jensen made a motion to approve the following Executive Session Minutes: December 11<sup>th</sup>, 2018 Session 1, January 8, 2019 Sessions 1-2, April 9, 2019 Session 1 and May 14, 2019 Sessions 1-3, seconded by Trustee Konwent.*

*A roll call vote was taken as follows:*

<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Aye</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Moore</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>
<b><i>Motion Carried</i></b>	

*Trustee Jensen made a motion to approve the following Executive Session Minutes: September 27, 2016, seconded by Trustee Koske.*

*A roll call vote was taken as follows:*

<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Abstain</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Moore</i>	<i>Abstain</i>
<i>Trustee Koske</i>	<i>Aye</i>
<b><i>Motion Carried</i></b>	

*Trustee Jensen made a motion to approve the following Executive Session Minutes: January 22, 2019 Session 1, seconded by Trustee Marr.*

*A roll call vote was taken as follows:*

<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Abstain</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Moore</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>
<b><i>Motion Carried</i></b>	

*Trustee Jensen made a motion to approve the following Executive Session Minutes: February 12, 2019 Session 1, seconded by Trustee Koske.*

*A roll call vote was taken as follows:*

<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Abstain</i>
<i>Trustee Konwent</i>	<i>Abstain</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Moore</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>
<b><i>Motion Carried</i></b>	

*Trustee Jensen made a motion to approve the following Executive Session Minutes: March 12, 2019 Session 1, seconded by Trustee Konwent.*

*A roll call vote was taken as follows:*

<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Aye</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Moore</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Abstain</i>
<b><i>Motion Carried</i></b>	

*Trustee Jensen made a motion to approve the following Executive Session Minutes: April 23, 2019 Session 1-4, seconded by Trustee Konwent.*

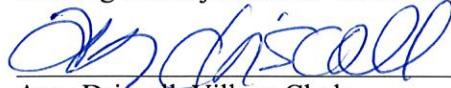
*A roll call vote was taken as follows:*

<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Aye</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Moore</i>	<i>Abstain</i>
<i>Trustee Koske</i>	<i>Aye</i>
<b><i>Motion Carried</i></b>	

**24. Adjournment**

*Trustee Stochl made a **motion** adjourn the meeting at 7:32 p.m., seconded by Trustee Marr. All were in favor. **Motion Carried.***

Meeting was adjourned at 7:32P.M.



Amy Driscoll, Village Clerk