

## VILLAGE OF FOX LAKE VILLAGE BOARD MEETING MINUTES

STATE OF ILLINOIS,  
Lake and McHenry Counties,  
} ss.

Village of Fox Lake

**This meeting is held in accordance with State of Illinois Executive Order 2020-07 Section 6**, held in said Village and County in the State of Illinois at 6:30 p.m. on August 25th, 2020, held via Zoom conference. The 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, Koske, Marr and Moore.

Staff also in attendance via Zoom conference: Anne Marrin, Donovan Day, Nazer Uddin, Phillip Love, Ryan Kelly, Jimmy Lee Jr. and Kealan Noonan.

### 2. Approval of Minutes

*Trustee Koske made a motion to approve the Village Board Meeting Minutes for August 11, 2020 as presented, seconded by Trustee Jensen.*

*New guidelines state that all votes must be taken via roll call vote in order to record all individual responses.*

*A roll call vote was taken as follows:*

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

***Motion Carried***

**3. Approval of the Warrant**

*Trustee Konwent made a motion to approve the Expenditures/Warrants/Transfers for August 25th, 2020 in the amount of \$796,259.57, Seconded by Trustee Marr.*

*Payment went to Chicagoland Paving for Millennium Park upgrades. There was also a payment to Keno for the Main Lift Station.*

*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>	

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

*Mayor Schmit and Chief Lee both shared their appreciation for all Fred Leffredo has done for the Village.*

**A. Appointment for Police and Fire Commission Board, Steven Huffman**

*Trustee Koske made a motion to approve the appointment of Steven Huffman to the Police and Fire Commission Board, 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>	

**B. Appointment for Police Pension Board, Tim Foster**

*Trustee Jensen made a motion to approve the appointment of Tim Foster to the Police Pension Board, 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>	

**5. Village President's Report**

*Mayor Schmit said that opening burning is allowed starting in September, per the current ordinance. It was banned in April and May 2020. Lake County has approved burning three days a week. The Board must decide if burning should be banned or modified starting in September. If that occurs, the ordinance will have to be adjusted and approved at the next meeting. Trustee Koske asked Mayor had heard anything*

from the Fire Protection District and he had not. The last time Mayor had talked to the Fire District, they had received very few complaints. Trustee Stochl said to leave the ordinance as is, since the County is allowing it. Trustee Marr agrees to leave the ordinance as is and if people start to complain then this can be revisited. Mayor said he will reach out to the Fire Protection District and let them know the plan for September.

Sewer and Water late fees were extended for the month of August. Mayor wanted the Boards input on extending the late fees or to continue extending them through September. The Board is okay continuing to waive the fees for the month of September.

Mayor said there has been mixed feedback regarding having in person Board Meetings. Surrounding Villages are a mixed bag with some meetings in person and others are all remote. If some Trustees would like to be in Village Hall during the meetings, that can be achieved while maintaining social distancing. Public attendance will still be via Zoom. The emergency declaration from the State is in place through mid-September.

Mayor wants a Board discussion about Lakefront Park. There have been questions about a public pool. Mayor is asking for input from the Board in order to research options. Trustee Konwent said there was a map given out during the Parks and Rec meeting and she wanted to make sure the Board had received that map. She agrees the meeting should be held onsite.

## **6. Village Administrator's Report**

Anne Marrin said there is a Farmers Market vendor who is interested in selling at Lakefront Park during the weekends through the beginning of October. They would like to start Friday if possible. Mayor said there is an ordinance for one vendor down by Lakefront Park. Howard said that one ordinance was specific to a prior vendor. He believes the ordinance needs to be updated and it can be updated at the next meeting. Trustee Koske asked if there can be a preapproved vote since a couple weeks is while to wait, especially with Labor Day Weekend. Donavan said the Village has a mobile food license that is good for 90 days and he can investigate that, to see if is applicable in this situation. Trustee Marr said if this is successful, should there be a certain allotment for these types of vendors if the Village wants more than one. Mayor said to make a motion to renew the ordinance for the one vendor at this time. At the next Board Meeting, there can be discussion of more than one vendor. This motion will be passed later in the meeting.

## **7. Village Attorney Report**

Howard said an agreement has been reached on the last Phase 2 easement agreement and it will be discussed in Executive Session.

## **8. Village Treasurer's Report**

There is none.

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

There are none.

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

Trustee Jensen made a **motion** to recess to the Committee of the Whole, 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
<b><i>Motion Carried</i></b>	

**A. Strategic Planning Team Reports**

**1. Strategic Planning Team Reports Attached**

*There are no comments.*

**2. Discussion and Direction of Future Fireworks Proposals from Mad Bomber**

*Anne said the firework contract was for three years, at \$40K. She has been working with Mad Bomber about the cancelation due to Covid. He gave three options: 1) pay the 40% fee of \$16,000 and extend the agreement for one year; \$11,200 will be a credit towards the display in 2021, 2) sign a new agreement for 2021-2023 and pay \$42K which will forego any cancellation fee from 2020 3) Or, pay the 40% cancellation fee of \$16,000. Anne has a meeting with Randy from Mad Bomber tomorrow where they will discuss a new contract based on the Board's direction this evening. Trustee Koske said that Parks and Rec decided they like Option 2. Trustee Jensen asked what will happen if there cannot be fireworks in 2021. Trustee Moore agrees with Option 2 but investigate a pandemic clause.*

**11. New Business**

**A. Discussion Regarding Open Burning**

*Discussed earlier in the meeting.*

**B. Resolution 2020-R-41: A Resolution Authorizing the Mayor to Sign and Thereby Accept an Agreement Klein, Thorpe & Jenkins, LTD. for Legal Services**

*Mayor wants to put this on hold for one meeting. He has issue with "Prosecuting of Administrative Review Actions as requested by Staff" and the vague wording. Mayor would like the Board involved since it is not a staff decision alone. This resolution will get put under 'Old Business' and discussed at the next meeting.*

**C. Resolution 2020-R-42: A Resolution Approving an Extension to the Intergovernmental Agreement Regarding 911 Consolidation**

*There is no cost to the Village and extends the agreement through September 2021.*

**D. Resolution 2020-R-43: A Resolution Approving a Contract for Custodial Services with Emeric Cleaning Services**

*This will extend cleaning services for another year. Costs will remain the same.*

**E. Resolution 2020-R-44: A Resolution Approving the Intergovernmental Agreement Between Lake County and the Village of Fox Lake**

*This is for inspection services, including mechanical, electrical and structural, when the Village Building Inspector or Code Enforcement Officer are not available or there is a conflict of interest.*

*Trustee Stochl wants this removed from the Consent Agenda because he is not certain this is necessary when the Village has persons available.*

**F. Ordinance 2020-19: An Ordinance Authorizing Reimbursement of Business District Project Costs for the Installation of a New Sign at 56 N. Route 12**

*This is for signage at Family Restaurant, from the Business Development District. Reimbursement is up to \$5K.*

**G. A Motion to Approve the Raffle License Request from the Fox Lake Richmond Spring Grove Chamber of Commerce for the Annual Golf Outing**

*A bond has been obtained.*

H. A Motion to Accept the Planning and Zoning Recommendation for the Petition of Fox Lake Storage LLC Requesting a Special Use Permit for Outdoor Storage

*Planning and Zoning staff recommends denying the Special Use. Voting yes on this motion, will deny the Special Use. Outdoor storage is not the best use of the property and discourages further development. The architect from Extra Space Storage contacted Donovan and asked if the Board will be in favor of allowing outdoor storage for a time limit not to exceed five years. The architect, Jeff, said he is happy to address any questions or concerns on the project. Storage was originally approved on the project; however, they did not get that construction started in time and they are now coming back for approval of storage space. Trustee Marr said that no one has jumped at the opportunity to move into that space and build on it. He does not have issue with letting them store boats for a certain amount of time. If another party comes in and wants to build on that property, then discuss at that time. It is currently overgrown with weeds, so if landscaping and fencing will be installed along with the storage it will look better. Trustee Koske asked if this storage will be in the middle of the parking lot. Donovan said yes. Trustee Koske said the owner did a good job with making that building look nice on the outside, but she does not like the ideal of storage in the middle of a very visible parking lot. She fears it will turn into a junk yard. Trustee Marr said it is a special use permit and no one wants to see it turn into a junk yard. If it turns into that, the special use will get revoked and it will be removed. Howard recommends the Board looks at the property and come up with a list of suggestions to be discussed and decided upon at the next meeting. Mayor said this will get removed from the Consent Agenda, but he doesn't like going against recommendations from the Planning Commission. Trustee Stochl recommends asking the Planning Commission about the five-year term for boat storage space to see if it makes a difference in their decision.*

**12. Old Business**

*There is none.*

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

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

*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*

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

A-1. Resolution 2020-R-41: A Resolution Authorizing the Mayor to Sign and Thereby Accept an Agreement Klein, Thorpe & Jenkins, LTD. for Legal Services

A-4. Resolution 2020-R-44: A Resolution Approving the Intergovernmental Agreement Between Lake County and the Village of Fox Lake

C-2. A Motion to Accept the Planning and Zoning Recommendation for the Petition of Fox Lake Storage LLC Requesting a Special Use Permit for Outdoor Storage

**15. Consent Agenda**

All items listed on the Consent Agenda are 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 2020-R-42: A Resolution Approving an Extension to the Intergovernmental Agreement Regarding 911 Consolidation
2. Resolution 2020-R-43: A Resolution Approving a Contract for Custodial Services with Emeric Cleaning Services

## B. Ordinances

1. Ordinance 2020-19: An Ordinance Authorizing Reimbursement of Business District Project Costs for the Installation of a New Sign at 56 N. Route 12

## C. Motions

1. A Motion to Approve the Raffle License Request from the Fox Lake Spring Grove Richmond Chamber of Commerce for the Annual Golf Outing

*Trustee Jensen made a motion to move that items, Resolutions A 2-3, Ordinances B-1, and Motions C 1 be established as the Consent Agenda for this meeting by unanimous vote, 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
<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><i>Motion Carried</i></b>	

## 16. Approval of Exceptions

Resolution 2020-R-44: A Resolution Approving the Intergovernmental Agreement Between Lake County and the Village of Fox Lake

*Trustee Koske made a motion to approve Resolution A-4 Approving the Intergovernmental Agreement Between Lake County and the Village of Fox Lake, seconded by Trustee Moore.*

*Trustee Marr doesn't like getting last minute emails about items that will get voted on the same evening. He's like those to be limited if possible.*

August 25, 2020

Trustee Stochl thinks that having five people working in the Village and having to go to the County is a little rough. Donovan said there a lot of inspections each week, and if Trent is on vacation, Donovan can't get around to all the inspections.

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	No
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye
Trustee Koske	Aye
<b><i>Motion Carried</i></b>	

Trustee Konwent made a ***motion*** to renew the vendor in place ordinance to benefit Lunch n' Munch and have the Attorney approve the appropriate paperwork, seconded by Trustee Koske.

*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>	

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

*There is none.*

## **18. Audience Comments**

Ryan Kennedy from Joel Kennedy Construction talking about the breach of contract lawsuit against Fox Lake. Remediation was requested back in May. He wanted to mention the project retainage. The project is complete, and he says the Village is holding \$380K that is due to Kennedy. He wants a sign of good faith that the lawsuit can be mediated and move forward. He said that accepting Kennedy's bid saved the Village of Fox Lake \$6.6M.

Steven Lake wanted to thank the Village Board for the wonderful improvements in town. The Millennium Park improvement is nice, and it takes a lot of effort to fund those types of projects. Something he took advantage of this year was the garden which is a wonderful community offering. Unfortunately, his family's produce has been stolen and it will deter them from gardening next year. It is a wonderful community activity, but he wanted to let the Board know of what he and his family have encountered this year.

## **19. Executive Session**

Trustee Moore made a ***motion*** to retire to Executive Session at 7:47pm, for a discussion on Land Acquisition, Personnel Matters and Pending Litigation; to include Mayor Schmit, Anne Marrin, Howard Teegen, Scott Trotter, Susan Novak, Kealan Noonan, Jim Ferolo and Donovan Day, 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><i>Motion Carried</i></b>	

**20. Reconvene the Village Board Meeting**

*Trustee Konwent made a motion to reconvene the Village Board Meeting at 8:58pm, 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><i>Motion Carried</i></b>	

**21. Motion Coming out of Executive Session**

*Trustee Stochl made a motion to accept Resolution 2020-R-45, granting the Mayor authority to sign the easement for the property north of Benjamin Avenue at State Park Road, seconded by Trustee Marr.*

*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>	

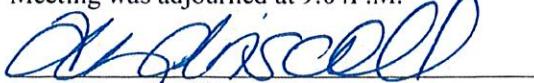
**22. Adjournment**

*Trustee Stochl made a motion to adjourn the meeting at 9:04p.m., 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
<b><i>Motion Carried</i></b>	

Meeting was adjourned at 9:04P.M.

  
Amy Driscoll, Village Clerk