



## 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 May 23, 2023 and held via in person and 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: Stochl, Konwent, Marr, Jensen, and Vander Weit

Absent: Trustee Driscoll

Staff also in attendance: Jessica Chernich, Kealan Noonan, Wayde Frerichs, Ryan Kelly (*via Zoom*), Amy Whitis, Jimmy Lee, Dawn DeServi, Patricia Russell and Michelle Runnion

### 2. Approval of Minutes

#### A. Village Board Meeting Minutes for May 9, 2023

*Trustee Konwent made a **motion** to approve the Village Board Meeting Minutes for May 9, 2023 as presented, seconded by Trustee Marr. Trustee Jensen – Abstain. All others were in favor. **Motion carried***

### 3. Approval of the Warrant

#### A. Approval of the Warrant

*Trustee Marr made a **motion** to approve the Expenditures/Warrants/Transfers for May 23, 2023 in the amount of \$807,521.97, 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 Driscoll</i>	<i>Absent</i>
<i>Trustee Vander Weit</i>	<i>Aye</i>

***Motion carried***

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

**A. National Public Works Week**

*Mayor Schmit read the proclamation for National Public Works Week as the week of May 21-27, 2023 in honor of the public works professionals, engineers, managers, and employees and to recognize their contributions to protecting health, safety and quality of life.*

**B. Landon Suicide Awareness**

*Mayor Schmit recognized and thanked Landon Schultz for his Eagle Scout Project addressing suicide prevention and presented a Certificate of Appreciation.*

**C. Ron Hoehne Retired Fire Chief**

*Mayor Schmit and the Board offered their thanks and appreciation for Retired Fire Chief Ron Hoehne's service and dedication and provided a plaque in recognition of his service.*

**D. Ed Lescher Recognized as New Fire Chief**

*Mayor Schmit recognized new Fire Chief Ed Lescher and shared his prior involvement in the community and fire department.*

**E. Swearing in of Officer Karen Salgado- Ruiz**

*Karen Salgado-Ruiz was sworn in as an officer in the Fox Lake Police Department.*

**F. Presentation of Botanical Gardens**

*This item was moved to the next Board Meeting.*

**5. Village President's Report**

*Mayor Schmit indicated he would share in the 'For The Good of the Order'.*

**6. Village Administrator's Report**

*There is none.*

**7. Village Attorney Report**

*There is none.*

**8. Village Treasurer's Report**

*There is none.*

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

*There were 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**

*There were no questions on the reports.*

**11. New Business**

**A. Resolution 2023-R-29: A Resolution Approving Change Order No. 1 for the Sanitary Sewer Lining Project**

*This item is to authorize a final payment of \$50,982.53 to cover the necessary replacement of pipes between Atwater Pkwy and Lakeside Lane that collapsed during the course of sewer lining.*

**B. Resolution 2023-R-31: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Quote from Boerger LLC to Provide 2 PL200 Rotary Lobe Pumps with Control Cabinets at the NWRWRF**

*This item is to authorize the pump replacements at \$59,092.62 and to waive the bid. This item is already a budgeted item.*

**C. Resolution 2023-R-32: A Resolution Authorizing the Mayor of Village of Fox Lake to sign and accept the proposal and agreement with Lenny Hoffman Excavating for Washington Street Improvements**

*This item is to accept the proposal and agreement for the decorative lighting project on Washington Street.*

**D. Ordinance 2023-13: An Ordinance Extending the Time for Beginning Operation of a Cannabis Business at the Properties at 80 S. Route 12 and 90 S. Route 12, Fox Lake, Illinois, Until September 8, 2023**

*This item is to extend the time to begin operations until September 8<sup>th</sup>. This authorizes 90 S. Route 12 as temporary business location until building at 80 S. Route 12 is ready for business. The business will still require a license to operate.*

**E. Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition for a Special Use Permit at 1298 Route 12 to Operate a Cannabis Business**

*This item is to accept the recommendation to approve the petition for special use permit. Remodel plans have been submitted and the property has been purchased. The business will have to open by July 31, 2023.*

**F. Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Jason & Kelly Dutmers for a Special Use Permit to Operate a Short-term Rental at 14 N. Lake Avenue**

*This item is to accept the recommendation to approve a special use permit at 14 N. Lake Avenue. This property has passed inspection.*

**G. Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Steve & Willow Jergensen for a Special Use Permit to Operate a Short-term Rental at 3 N. Maple Avenue**

*This item is to accept the recommendation to approve the special use permit for 3 N. Maple to operate as a short-term rental.*

**H. Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Jonathan Sheinkop for a Special Use Permit to Operate a Short-term Rental at 10 N. Lake Avenue**

*This item is to accept the recommendation of a special use permit to operate a short-term rental at 10 N. Lake Avenue.*

**I. Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Walter Curran Requesting a PUD for Property Located at 149 Cora Avenue and Direct the Attorney to Draft the Ordinance**

*This item is to approve the PUD for property at 149 Cora Avenue and direct the attorney to draft the ordinance. The property will be split and will require a separate water service between 149 and neighbor.*

**12. Old Business**

*There was none.*

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

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

**14. Motion to Waive the Bids and Accept the Quote from Boerger LLC to Provide Two PL200 Rotary Lobe Pumps with Control Cabinets at the NWRWRF**

*Trustee Jensen made a motion to approve the waiving of the bids and accept the quote, seconded by Trustee Vander Weit.*

*A roll call vote was taken as follows:*

*Trustee Jensen           Aye*

*Trustee Stochl           Aye*

*Trustee Konwent       Aye*

*Trustee Marr           Aye*

*Trustee Driscoll       Absent*

*Trustee Vander Weit   Aye*

***Motion carried***

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

*Trustee Stochl removed motions C-2, 3, 4, and 5 from the consent agenda.*

**16. 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 2023-R-29: A Resolution Approving Change Order No. 1 for the Sanitary Sewer Lining Project
2. Resolution 2023-R-31: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Quote from Boerger LLC to Provide 2 PL200 Rotary Lobe Pumps with Control Cabinets at the NWRWRF
3. Resolution 2023-R-32: A Resolution Authorizing the Mayor of Village of Fox Lake to sign and accept the proposal and agreement with Lenny Hoffman Excavating for Washington Street Improvements

**B. Ordinances**

1. Ordinance 2023-13: An Ordinance Extending the Time for Beginning Operation of a Cannabis Business at the Properties at 80 S. Route 12 and 90 S. Route 12, Fox Lake, Illinois, Until September 8, 2023

**C. Motions**

1. Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition for a Special Use Permit at 1298 Route 12 to Operate a Cannabis Business
2. ***Removed from Consent Agenda*** - Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Jason & Kelly Dutmers for a Special Use Permit to Operate a Short-term Rental at 14 N. Lake Avenue
3. ***Removed from Consent Agenda*** - Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Steve & Willow Jergensen for a Special Use Permit to Operate a Short-term Rental at 3 N. Maple Avenue
4. ***Removed from Consent Agenda*** - Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Jonathan Sheinkop for a Special Use Permit to Operate a Short-term Rental at 10 N. Lake Avenue
5. ***Removed from Consent Agenda*** - Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Walter Curran Requesting a PUD for Property Located at 149 Cora Avenue and Direct the Attorney to Draft the Ordinance

*Trustee Jensen made a **motion** to move that items, Resolutions A 1-3, Ordinances B 1, and Motion 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 Driscoll	Absent
Trustee Vander Weit	Aye

**Motion carried**

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 Driscoll	Absent
Trustee Vander Weit	Aye

**Motion carried**

#### 17. **Approval of Exceptions**

Trustee Marr made a ***motion*** to approve item C-2, Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Jason & Kelly Dutmers for a Special Use Permit to Operate a Short-term Rental at 14 N. Lake Avenue, seconded by Trustee Vander Weit.

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Abstain
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Driscoll	Absent
Trustee Vander Weit	Aye

**Motion carried**

Trustee Jensen made a ***motion*** to approve item C-3, Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Steve & Willow Jergensen for a Special Use Permit to Operate a Short-term Rental at 3 N. Maple Avenue, seconded by Trustee Konwent.

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Abstain
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Driscoll	Absent
Trustee Vander Weit	Aye

**Motion carried**

Trustee Jensen made a ***motion*** to approve item C-4, Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Jonathan Sheinkop for a Special Use Permit to Operate a Short-term Rental at 10 N. Lake Avenue, seconded by Trustee Vander Weit.

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Abstain
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Driscoll	Absent
Trustee Vander Weit	Aye

***Motion carried***

Trustee Vander Weit made a ***motion*** to approve item C-5, Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Walter Curran Requesting a PUD for Property Located at 149 Cora Avenue and Direct the Attorney to Draft the Ordinance, seconded by Trustee Jensen.

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	No
Trustee Konwent	No
Trustee Marr	Aye
Trustee Driscoll	Absent
Trustee Vander Weit	Aye

***Motion carried***

# **18. Audience Comments**

Steven Jergensen requested the village look into the dilapidated home at 176 Grand Ave. with reported numerous residents and increased police activity. The mayor indicated he would send code enforcement to the residence to inquire.

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

The mayor presented on the Lakefront Park status. The current budget is \$13.8 million and the bids have come in at \$15.7 million. Many options for alternatives and changes were reviewed with the contractors and a revised plan will be submitted for board approval.

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

Mayor Schmit opened the hearing.

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

Mayor asked for audience comment and there were none.

*The Mayor stated that in order to have adequate time to ascertain that proper easements exist between the owners of the Culvers property and the adjacent property, and to verify issuance of the IDOT permit, the Village is continuing the SUP Revocation Proceeding to July 25, 2023 at 6:30 pm. The 13<sup>th</sup> Supplemental Findings shall remain in effect until that time.*

**22. Executive Session**

*Trustee Jensen made a **motion** to retire into executive session at 9:13pm for Pending and Threatened Litigation, Personnel and Land Acquisition to include Mayor Donny Schmit, Clerk Michelle Runnion, Village Attorney Howard Teegen, Chief of Police Jimmy Lee, and Assistant to the Administrator, Jessica Chernich, seconded by Trustee Konwent. All were in favor. **Motion carried***

**21. Adjournment**

*Trustee Stochl made a **motion** to adjourn the meeting at 9:57 pm, seconded by Trustee Jensen. All were in favor. **Motion carried***

**Meeting was adjourned at 9:57 P.M.**



Michelle Runnion, Village Clerk