



## 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 July 23, 2024, 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 Donny Schmit, Village Attorney Howard Teege, Trustees: Ron Stochl, Jeff Jensen (via Zoom), Brian Marr, Bernice Konwent, Amy Driscoll, Debra Vander Weit and Clerk Michelle Runnion

Staff also in attendance: Jessica Chernich, Jodi Luka, Susan Novak, Mary Locher, John Thompson, Dawn DeServi, Lindsay Szafran, and Sunni Butler

#### 2. Approval of Minutes

##### A. Village Board Meeting Minutes for July 9, 2024

*Trustee Marr made a motion to approve the Village Board Meeting Minutes for July 9, 2024, seconded by Trustee Vander Weit. All were in favor. Motion carried.*

#### 3. Approval of the Warrant

##### A. Approval of the Warrant – July 23, 2024

*Trustee Konwent made a motion to approve the Expenditures/Warrants/Transfers for July 23, 2024, in the amount of \$1,517,210.25, seconded by Trustee Driscoll.*

*A roll call vote was taken as follows:*

*Trustee Jensen Aye*

*Trustee Stochl Aye*

*Trustee Konwent Aye*

*Trustee Marr Aye*

*Trustee Driscoll Aye*

*Trustee Vander Weit Aye*

***Motion carried***

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

*There was none.*

**5. Village President's Report**

*The mayor commented that the Friday Night Concerts have been a big success but that there have been some negative emails and comments about the Lakefront Park, specifically about the delay in the splash pad, parking, and the beach. The plan is and has been to open the amenities as they are completed.*

**6. Village Administrator's Report**

*There was none.*

**7. Village Attorney Report**

*Howard Teegen clarified when purchases or improvements costing \$25,000 that are to be voted on a publication for bids should be made. Staff work very hard to do so but at times it is difficult. For a recent purchase, Village staff did not publish but did get bids. The Village has the right to also waive bids for any reason.*

**8. Village Treasurer's Report**

*There was none.*

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

*Comments pertaining to Short Term Rental Application for 529 Kingston:*

*Don Tebbens expressed he is opposed to 529 Kingston as a short-term rental. He would like to keep the neighborhood as is, there are problems with the current rentals and there is a concern for safety. He indicated that the neighbors are in agreement.*

*Francis Byrne voiced opposition to a new short-term rental and feels the neighborhood has reached saturation of rentals.*

*Frank Bortko of 504 Castle shared his opposition and shared concerns about the roadway as only one way in and out and there has been advertisement for 16 people and the Village has not been monitoring for compliance.*

*Rich Munuv read an opposition letter stating that the short-term rentals are businesses and shouldn't be allowed in residential areas, that there are concerns about safety as a*

*single road with no sidewalks, referred to recent incidents and commented on 529 being a small lot with septic issues.*

*Lauren Barca of 422 Castle expressed her concerns for the possibility of sexual offenders renting as there are no required background checks or screens.*

*Kim Kania of 1001 Hooks made several comments including that signs weren't posted, that there were more patrols after the 6/25 meeting but haven't been since, that the location of this property is the middle of the neighborhood, there is now a neighbor selling their property, and wants to stop business in residential community.*

*Wyman Wong of 527 Kingston indicated he has been in the neighborhood for 20 years and has children with special needs and is concerned for the children in the neighborhood.*

*Joe Dopp of 532 Kingston referred to his email sent earlier along with photos to express his concerns about safety and liability relating to a failing rock wall, dying trees, and egress/ingress for boats.*

*Jennifer Gable of 719 Kingston expressed concerns for the number of short-term rentals and requested the Village to consider the number of homes and people.*

*Kim Fugate expressed her opposition to another short-term rental.*

*Nicole Barrett of 914 Fortress shared concerns around 4<sup>th</sup> of July issues at other short-term rental and would like to not have more in residential areas.*

*Steve Pollen expressed his concerns for safety and lack of police patrols.*

*Keith Abbott expressed his opposition and stated he has lived in the neighborhood for 33 years. He sees speeding by visitors and is concerned about how many people are involved in a short-term rental and believes he has followed the rules but the STR's do not have to but understands the neighborhood is hard to patrol.*

**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 Marr. All were in favor. **Motion carried.***

**A. Strategic Planning Team Reports**

*Trustee Marr questioned the bond being submitted for wayfare signage and it was stated that it has been submitted.*

**11. New Business**

**A. Resolution 2024-R-53: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal from Charles Equipment Energy Systems for the Purchase and Installation of an Emergency Backup**

**Generator**

*This item is to authorize the mayor to Sign and Thereby Accept the Proposal from Charles Equipment Energy Systems for the Purchase and Installation of an Emergency Backup Generator. This is a budgeted item at \$60,000. This generator located at the Police Department is designated as a backup generator to keep critical functions operational when power outages are encountered. The manufacturer of the generator is no longer in business, and the parts are either non-existent or very difficult to find. Three bids were received with Charles Equipment Energy Systems having the lowest bid at \$58,708. Trustee Stochl questioned why chosen as bids were close as other bids were from companies whose equipment we already use such as Generac. Chief of Police Dawn DeServi indicated that the Village is familiar with the company, they have a good reputation, and they were the lowest bid. This is a budgeted item at \$60,000.*

**B. Resolution 2024-R-54: A Resolution Approving Engineering Services with Trotter and Associates, Inc. for a Water Quality Analysis for Solutions to Corrosion**

*This item is to approve Engineering Services with Trotter and Associates, Inc. for a Water Quality Analysis for Solutions to Corrosion. Trotter will assist the Village to perform targeted water quality assessments of the water distribution system for wells 5, 6, and 7 and to determine whether corrosion is occurring in the well. This item is to not exceed \$50,000.*

**C. Resolution 2024-R-55: A Resolution Approving the Bid from Dahm Enterprises, Inc. to Provide all Labor, Equipment and Any Associated Costs with the Cleaning and Offsite Disposal of the Contents of Anaerobic Digester #2 at the NWRWRF**

*This item is to approve the Bid from Dahm Enterprises, Inc. to provide all Labor, Equipment and Any Associated Costs with the Cleaning and Offsite Disposal of the Contents of Anaerobic Digester #2 at the NWRWRF. In 2023 others were cleaned but #2 has not been and cleaning should occur every 7-10 years. The cost of this item is \$99,500.*

**D. Ordinance 2024-35: An Ordinance Transferring a Special Use to Operate a Daycare Center at the Property at 608 and 620 Rollins Road, Ingleside, Illinois, to Kelli and Michael Figurski Doing Business as Nippersink Education Group LLC, DBA Nippersink Learning Center**

*This item was removed by the applicant.*

**E. Ordinance 2024-36: An Ordinance Amending Section 8-2-2 of the Village Code of the Village of Fox Lake and Designating 2 East Grand Avenue as a Village Park**

*This item is to amend Section 8-2-2 of the Village Code of the Village of Fox Lake and Designating 2 East Grand Avenue as a Village Park. This will address any issues of persons and personal items being left overnight.*

**F. Motion to Accept the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit to Operate a Short-Term Rental at 529 Kingston Blvd., McHenry, Illinois and Authorize the Attorney to Prepare the Ordinance**

*This item is to accept the recommendation and approve a Special Use Permit to Operate a Short-Term Rental at 529 Kingston Blvd., McHenry, Illinois and Authorize the Attorney to Prepare the Ordinance. Letters of opposition have been received requiring a super majority vote. Four trustees must vote yes. The Mayor will not be voting.*

**G. Motion to Accept Planning and Zoning Commission's Recommendation to Allow a Variation from Required Setback at 35 Medinah Street, Fox Lake, Illinois and Authorize the Attorney to Prepare the Ordinance**

*This item is to accept the recommendation and allow a variation from required setback at 35 Medinah Street, Fox Lake, Illinois and authorize the Attorney to prepare the Ordinance. The property is in the R-2 One-Family Residence District located on a peninsula. The petitioners plan to build a single-family home and received a (7-0) favorable recommendation with no conditions.*

**H. Motion to Accept Planning and Zoning Commission's Recommendation to Maintain the Current Legal Nonconforming Use and Allow for a Setback Variation to Both the Front Yard and Side Yard at 215 N. Rushmore Ave. Fox Lake, Illinois, and Authorize the Attorney to Prepare the Ordinance**

*This item is to accept Planning and Zoning Commission's Recommendation to maintain the current legal nonconforming use and allow for a setback variation to both the front yard and side yard at 215 N. Rushmore Ave.*

*Fox Lake, Illinois, and authorize the Attorney to prepare the Ordinance. This request is for a partial tear down and rebuild. The petitioners received a (7-0) favorable recommendation with no conditions. There was discussion on this item. Trustee Stochl expressed that while it's good to see improvements being made, he questions who the increase in nonconforming use and if that will continue in the future. Trustee Marr also expressed that upgrades are good but maybe the Village needs to consider changing ordinances to reflect the need for nonconforming uses in the community. Trustee Vander Weit, Trustee Stochl, and Trustee Marr discussed the specifics of what expansion would look like.*

**I. Motion to Approve a Façade Improvement Grant for Tammy's Pizza & Pasta at 6817 State Park Rd. for New Signage and Entrance Doors**

*This item is to Approve a Façade Improvement Grant for Tammy's Pizza & Pasta at 6817 State Park Rd. for New Signage and Entrance Doors. The amount would be in the range of \$2,905- \$4,000. It was clarified that grants can be applied for each fiscal year.*

**J. Motion to Authorize the Mayor to Sign an Agreement for Professional Planning Services with Lakota Group**

*This item is to authorize the mayor to sign an agreement for Professional*

*Planning Services with Lakota Group. This item is for a Village plan review and the cost is less than the cost of the current service.*

**12. Old Business**

*There was none.*

**13. Motion to Waive the Bids for the Purchase and Installation of an Emergency Backup Generator at the Police Department**

*Trustee Jensen made a motion to waive the bids for the purchase and installation of an Emergency Backup Generator at the Police Department, 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       Aye*

*Trustee Vander Weit   Aye*

***Motion carried.***

**14. 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 the Village Board meeting, seconded by Trustee Vander Weit.*

*All were in favor. Motion carried.*

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

*B-1 was removed by the mayor. Trustees Konwent and Driscoll requested removal of item C-1. Trustee Stochl requested removal of item A-1.*

**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. ***Removed from Consent Agenda*** - Resolution 2024-R-53: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal from Charles Equipment Energy Systems for the Purchase and Installation of an Emergency Backup Generator
2. Resolution 2024-R-54: A Resolution Approving Engineering Services with Trotter and Associates, Inc. for a Water Quality Analysis for Solutions to

Corrosion

3. Resolution 2024-R-55: A Resolution Approving the Bid from Dahm Enterprises, Inc. to Provide all Labor, Equipment and Any Associated Costs with the Cleaning and Offsite Disposal of the Contents of Anaerobic Digester #2 at the NWRWRF

**B. Ordinances**

1. ***Removed from Consent Agenda*** - Ordinance 2024-35: An Ordinance Transferring a Special Use to Operate a Daycare Center at the Property at 608 and 620 Rollins Road, Ingleside, Illinois, to Kelli and Michael Figurski Doing Business as Nippersink Education Group LLC, DBA Nippersink Learning Center
2. Ordinance 2024-33: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Granting a Special Use Permit to Donna M. Baron to Operate a Short-Term Housing Rental Business at the Property Commonly Known as 6 S. Pistakee Lake Road, Fox Lake, Illinois
3. Ordinance 2024-36: An Ordinance Amending Section 8-2-2 of the Village Code of the Village of Fox Lake and Designating 2 East Grand Avenue as a Village Park

**C. Motions**

1. ***Removed from Consent Agenda*** - Motion to Accept the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit to Operate a Short-Term Rental at 529 Kingston Blvd., McHenry, Illinois and Authorize the Attorney to Prepare the Ordinance
2. Motion to Accept Planning and Zoning Commission's Recommendation to Allow a Variation from Required Setback at 35 Medinah Street, Fox Lake, Illinois and Authorize the Attorney to Prepare the Ordinance
3. Motion to Accept Planning and Zoning Commission's Recommendation to Maintain the Current Legal Nonconforming Use and Allow for a Setback Variation to Both the Front Yard and Side Yard at 215 N. Rushmore Ave. Fox Lake, Illinois, and Authorize the Attorney to Prepare the Ordinance
4. Motion to Approve a Façade Improvement Grant for Tammy's Pizza & Pasta at 6817 State Park Rd. for New Signage and Entrance Doors
5. Motion to Authorize the Mayor to Sign an Agreement for Professional Planning Services with Lakota Group

*Trustee Jensen made a **motion** to move that Resolutions A 2 and 3, Ordinance B 2, and Motions C 2,3,4, and 5 be established as the Consent Agenda for this meeting by unanimous vote, 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>Aye</i>
<i>Trustee Vander Weit</i>	<i>Aye</i>

***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:*

<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>Aye</i>
<i>Trustee Vander Weit</i>	<i>Aye</i>

***Motion carried***

**17. Approval of Exceptions**

- A.** *Trustee Marr made a motion to approve Resolution 2024-R-53: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal from Charles Equipment Energy Systems for the Purchase and Installation of an Emergency Backup Generator, seconded by Trustee Konwent.*

*Trustee Stochl stated that he questioned the bids as he would like to go with the generator that is consistent with the equipment the Village already has and the cost increase was just \$900.*

*A roll call vote was taken as follows:*

<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>No</i>
<i>Trustee Konwent</i>	<i>Aye</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Driscoll</i>	<i>Aye</i>
<i>Trustee Vander Weit</i>	<i>Aye</i>

***Motion carried***

- B.** *Trustee Marr made a motion to Accept the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit to Operate a Short-Term Rental at 529 Kingston Blvd., McHenry, Illinois and Authorize the Attorney to Prepare the Ordinance, seconded by Trustee Jensen.*

*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>No</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Driscoll</i>	<i>No</i>
<i>Trustee Vander Weit</i>	<i>No</i>

***Motion failed***

**18. For the Good of the Order**

*Trustee Marr shared that he visited and enjoyed the new playground at Lakefront Park with his grandkids and there were many others there also.*

**19. Audience Comments**

*Resident Johnson of 70 Highland Avenue asked about how to make an exception for parking. The 18' width needed to park on the street isn't possible and it makes it difficult to have company or use the driveway for basketball.*

*Leah Garcia Macias and Kim Cabrera stated they were there for the discussion of the short-term rental and have tried to do what is requested of them. They were angry that neighbors had photographed them in their own backyard and that it was an invasion of privacy.*

**20. Executive Session**

*Trustee Marr made a motion to retire into executive session at 7:30 pm for Pending Litigation, to include Village Administrator Jessica Chernich, Village Attorney Howard Teegen, and Village Treasurer Mary Locher, seconded by Trustee Konwent. All were in favor. **Motion carried.***

**21. Adjournment**

*Trustee Stochl made a **motion** to adjourn the meeting at 7:37 pm, seconded by Trustee Driscoll. All were in favor. **Motion carried.***

**Meeting was adjourned at 7:37 P.M.**

  
Michelle Runnion, Village Clerk