



## 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 April 28, 2015 meeting was called to order by Mayor Schmit. The following official business was transacted:

#### Roll Call

Present Mayor Schmit: Clerk Warden, Attorney Teegen; Trustees, Murrey, Jensen, Stochl, Marr and Koske. Absent: Trustee Konwent.

#### I. Approval of Minutes

*Trustee Marr made a motion to approve the Village Board Meeting Minutes of April 14, 2015 seconded by Trustee Koske.*

*A roll call vote was taken as follows:*

<i>Trustee Murrey</i>	<i>Aye</i>
<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Absent</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>

***Motion Carried***

*Trustee Koske made a motion to approve the Village Board Budget Hearing Meeting Minutes of April 14, 2015 seconded by Trustee Stochl.*

*A roll call vote was taken as follows:*

<i>Trustee Murrey</i>	<i>Aye</i>
<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Absent</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>

***Motion Carried***

**II. Presentation: Recognition of Service to Joe Warden**

Mayor Schmit stated that Joe Warden is retiring with the Fox Lake Street Department and then presented Joe Warden with a plaque of appreciation on his dedication and contributions to the Village of Fox Lake.

**III. Presentation – Fox Lake in Bloom**

Michael Lescher presented to the Board plans for additional beautification in the downtown Fox Lake area. Mr. Lescher and Trustee Koske stated that the funds that were being requested are in the upcoming budgeted for Fox Lake in Bloom. Discussion was had amongst the Board regarding the plans. Pictures of the plan are available for viewing at the Village Hall.

**IV. Public Hearing – Annexation of Tammy’s Pizza and Pasta, Tammy Ruppenthal**

Mayor Schmit opened the public hearing at 6:40 p.m.

There were no comments from the audience.

Attorney Teegen stated that this is a Public Hearing for the Annexation Agreement which the Board received in their packet. This agreement which had a few items that were not quite right at the time. Howard stated that we were able to get those together and finalized. Howard stated that the Board has received a revised copy of said annexation agreement and what changes had taken place. Howard stated that on page 1 of the Annexation Agreement, Exhibit B, the changes is in the bottom full recital in the second line it reads: “Connected to the Village Sewer and Water” we deleted “water” because we are only having them connected to the sewer. Secondly, page 4, deleted the requirement for the “Village to provide easement” as the Village is not in the position to provide easements along State Park Road as we deleted the recapture fee because the sewer line is very small that only service this property and no one else that could be serviced by this line. Howard stated that lastly we clarified that the connections to the sewer would be at the owners’ expenses.

Mayor Schmit closed the Public Hearing at 6:42 p.m.

**V. Administrator Update**

Anne Marrin stated she would like to present the expenditures, warrants, and transfers for April 28, 2015. She asked if there were any questions. There were none. Anne stated if there were no questions there would be a motion to approve this evening under Finance.

Anne stated that she had just received an email stating that the Villages natural gas aggregation provider, for which we get specific pricing for our large loads which would be the Northwest Regional Water Reclamation Facility and all of the Local Sewer and Water pump stations. The Village contract is up June 1<sup>st</sup> and like the electrical aggregation we need to monitor the pricing. Anne stated that she would like the Board to allow her monitor the Natural gas aggregation and monitor the pricing and we would want to watch the pricing and lock in at a good point. Howard stated that what the Board has done in the past is passed a Resolution authorizing the form of the contract and then authorizing the Village Administrator to have it kick in at an opportune time and suggest we do it again. There were no questions from the Board.

**VI. Recess to the Committee of the Whole**

*Trustee Jensen made a motion to recess into the Committee of the Whole Meeting at 6:44 p.m., Seconded by Trustee Marr.*

*A roll call vote was taken as follows:*

*Trustee Murrey           Aye*  
*Trustee Jensen           Aye*  
*Trustee Stochl           Aye*  
*Trustee Konwent       Absent*  
*Trustee Marr           Aye*  
*Trustee Koske           Aye*

*Motion Carried*

## **VII. Committee of the Whole**

### **A. Finance**

Trustee Stochl asked if there were any questions regarding the Adoption of the Annual Budget Fiscal Year 2015-2016. There were none.

Trustee Stochl asked if there were any questions regarding the Resolution “Stop Idling and Start Saving, Idle Reduction Program.” Trustee Jensen asked how the staff would monitor the program. Anne stated that this program would be added to the employee manual as an anti-idling policy to help with reductions of pollutants and would be monitored on an honor system.

Trustee Stochl asked if there were any questions regarding TIF Redevelopment Agreement with FXLC, LLC. Mayor Schmit stated that the agreement would come up for a vote this evening; however it most likely will come back to the Board for amendments. Anne stated that there is certain language that will be adjusted regarding the hotel. There were no further questions.

Trustee Stochl stated if there were any questions regarding the Ordinance for the Suspension and revocation of licenses. There were none.

Trustee Stochl asked if there were any questions regarding the amendment to the Liquor License ordinance. There were none.

### **B. Building and Zoning**

Trustee Marr asked if there were any questions regarding an extension for the Facade Improvement for Dino’s Den, located at 88 E. Grand Avenue. There were none.

### **C. Parks and Recreation**

Trustee Koske stated that she would be asking for a motion for an agreement with Ripple Public Relations and that this is a budgeted item for the Parks and Recreation Department. Trustee Koske stated that they would be helping with branding and many other aspects of the Community.

Trustee Koske asked if there were any questions regarding the motion for Promote Fox Lake in regards to the planters. There were none.

Trustee Koske stated that the Village was able to collect 525 pairs of shoes for the “Reuse a Shoe “recycling program and then thanked Stanton School for help us get them together to get to the recycler.

Trustee Koske then went through the following events and programs in the Village. All events and programs can be found on the Village website at [foxlake.org](http://foxlake.org)

- Fox Lake Parks and Recreation Senior Luncheon will be held May 21<sup>st</sup> at Lakefront Park.
- Fox Lake School District wants to open their facilities to seniors for additional programming and offerings. Grant Township, the Village & the District 114 have collaborated to offer special classes, and a special play viewing of RIP VAN WINKLE on May 2, 2015 that includes light refreshments.
- A basic Computer Class is on June 10<sup>th</sup> for Seniors from 10am-noon. The Parks Department is taking reservations for all sessions.

### C. Planning

Trustee Marr stated that he would like to start out with an update on short term rentals that has been tabled by the Planning Commission. Trustee Marr stated that why he is bringing this up is that it brought up spirited conversation. It was tabled for further research and he encouraged the Board to attend the Plan Commission meeting when it is brought back up so that they will have a better perspective of the issue and it will help them with their decision on the matter.

Trustee Marr asked if there were any questions regarding the Planning Commission's recommendation for the Petition of Milisa and Scott O'Sullivan requesting a Special Use to allow the operation of a Before and After School Daycare facility in the R-2 Zoning District on the property located at 513 Monroe Avenue, Fox Lake. He asked the Board if they had any questions. There were none. Trustee Marr stated that he wanted to take this opportunity to let the Board know that he is opposed to the Special Use and he does not think that spreading commercial into residential district is what we should be doing in that location.

Trustee Marr asked if there were any questions regarding the Planning Commission's recommendation of the petition for text change to the Zoning Ordinance amending section 9-1-6-7, in regards to Notice requirements. He asked the Board if there were any questions. Trustee Jensen asked what was being included. Trustee Marr stated that they had added some beef to the text changes.

### D. Public Safety

Trustee Jensen stated that there was nothing to report from Public Safety this evening.

### E. Sewer and Water

Trustee Murrey stated that that there was nothing to report from Sewer and water this evening.

### F. Streets

Mayor Schmit stated that there was nothing to report from Streets this evening.

## VIII. Motion to adjourn from Committee of the Whole and Reconvene Village Board Meeting

*Trustee Koske made a **motion** to adjourn from the Committee of the Whole and reconvene the Village Board Meeting at 6:54 p.m., Seconded by Trustee Jensen.*

*A roll call vote was taken as follows:*

<i>Trustee Murrey</i>	<i>Aye</i>
<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>

*Trustee Konwent*      *Absent*  
*Trustee Marr*        *Aye*  
*Trustee Koske*       *Aye*  
***Motion Carried***

**VII. Motions for Approval**

• **Finance**

*Trustee Stochl made a **motion** to approve the Expenditures, Warrants and Transfers dated April 14, 2015 in the amount of \$593,608.87, Seconded by Trustee Marr.*

*A roll call vote was taken as follows:*

*Trustee Murrey*      *Aye*  
*Trustee Jensen*     *Aye*  
*Trustee Stochl*     *Aye*  
*Trustee Konwent*   *Absent*  
*Trustee Marr*       *Aye*  
*Trustee Koske*      *Aye*  
***Motion Carried***

*Trustee Stochl made a **motion** to approve Ordinance 2015-19 an Ordinance Adopting the Annual Budget 2015-2016 Seconded by Trustee Koske.*

*A roll call vote was taken as follows:*

*Trustee Murrey*      *Aye*  
*Trustee Jensen*     *Aye*  
*Trustee Stochl*     *Aye*  
*Trustee Konwent*   *Absent*  
*Trustee Marr*       *Aye*  
*Trustee Koske*      *Aye*  
***Motion Carried***

*Trustee Stochl made a **motion** to approve Resolution 2015-R-15, a Resolution to Join the Chicago Area Clean Cities Coalition and Participate in the "Stop Idling, Start Saving" Idle Reduction Program, Seconded by Trustee Jensen.*

*A roll call vote was taken as follows:*

*Trustee Murrey*      *Aye*  
*Trustee Jensen*     *Aye*  
*Trustee Stochl*     *Aye*  
*Trustee Konwent*   *Absent*  
*Trustee Marr*       *Aye*  
*Trustee Koske*      *Aye*  
***Motion Carried***

*Trustee Stochl made a **motion** to approve Ordinance 2015-20, An Ordinance of the Village of Fox Lake, Lake and McHenry Counties, Illinois, Approving a Redevelopment Agreement by and between the Village of Fox Lake, Lake and McHenry Counties and FXLK, LLC, Seconded by Trustee Jensen.*

*A roll call vote was taken as follows:*

*Trustee Murrey*      *Aye*  
*Trustee Jensen*     *Aye*  
*Trustee Stochl*     *Aye*  
*Trustee Konwent*   *Absent*

*Trustee Marr*            *Aye*  
*Trustee Koske*        *Aye*  
***Motion Carried***

*Trustee Stochl made a **motion** to approve Ordinance 2015-25, an Ordinance Correcting and Clarifying Ordinance 2015-18 as it relates to Liquor Licenses , Seconded by Trustee Marr.*

*A roll call vote was taken as follows:*

*Trustee Murrey*        *Aye*  
*Trustee Jensen*       *Aye*  
*Trustee Stochl*        *Aye*  
*Trustee Konwent*      *Absent*  
*Trustee Marr*           *Aye*  
*Trustee Koske*        *Aye*  
***Motion Carried***

- **Building and Zoning**

*Trustee Marr made a **motion** approve a three month extension for Façade Improvements, to Alejandro Torres, owner of Dino’s Den, located at 88 E. Grand Avenue, in accordance with section 2-8-5D, Seconded by Trustee Koske.*

*A roll call vote was taken as follows:*

*Trustee Murrey*        *Aye*  
*Trustee Jensen*       *Aye*  
*Trustee Stochl*        *Aye*  
*Trustee Konwent*      *Absent*  
*Trustee Marr*           *Aye*  
*Trustee Koske*        *Aye*  
***Motion Carried***

- **Parks and Recreation**

*Trustee Koske made a **motion** to approve Resolution 2015-R-16, A Resolution Approving a Consulting Services Agreement with Ripple Public Relations, LLC , Seconded by Trustee Marr.*

*A roll call vote was taken as follows:*

*Trustee Murrey*        *Aye*  
*Trustee Jensen*       *Aye*  
*Trustee Stochl*        *Aye*  
*Trustee Konwent*      *Absent*  
*Trustee Marr*           *Aye*  
*Trustee Koske*        *Aye*  
***Motion Carried***

*Trustee Koske made a **motion** to approve Promote Fox Lake beautification project at Grand Avenue and U.S. Route 12 (Thornton’s) in the amount of not to exceed \$2,000.00, Seconded by Trustee Jensen.*

*A roll call vote was taken as follows:*

*Trustee Murrey*      *Aye*  
*Trustee Jensen*      *Aye*  
*Trustee Stochl*      *Nay*  
*Trustee Konwent*      *Absent*  
*Trustee Marr*      *Aye*  
*Trustee Koske*      *Aye*  
***Motion Carried***

*Trustee Koske made a motion to authorize the purchase of decorative bricks for Lakefront Park beatification by Promote Fox Lake in the amount of \$2,424.50, Seconded by Trustee Murrey.*

*A roll call vote was taken as follows:*

*Trustee Murrey*      *Aye*  
*Trustee Jensen*      *Aye*  
*Trustee Stochl*      *Aye*  
*Trustee Konwent*      *Absent*  
*Trustee Marr*      *Aye*  
*Trustee Koske*      *Aye*  
***Motion Carried***

**Planning**

*Trustee Marr made a motion to approve Ordinance 2015-21, An Ordinance Transferring a Special Use to Operate a Used Car Dealership Business at the Property at Unit A, 855 S. Route 12, Ingleside, Illinois, to Gregorio Alvarez, , Seconded by Trustee Jensen.*

*A roll call vote was taken as follows:*

*Trustee Murrey*      *Aye*  
*Trustee Jensen*      *Aye*  
*Trustee Stochl*      *Aye*  
*Trustee Konwent*      *Absent*  
*Trustee Marr*      *Aye*  
*Trustee Koske*      *Aye*  
***Motion Carried***

*Trustee Marr made a motion approve the Plan Commission Recommendation of the petition for text change to the Zoning Ordinance of the Village of Fox Lake, amending section 9-1-6-7, in regards to Notice Requirements, Seconded by Trustee Koske.*

*A roll call vote was taken as follows:*

*Trustee Murrey*      *Aye*  
*Trustee Jensen*      *Aye*  
*Trustee Stochl*      *Aye*  
*Trustee Konwent*      *Absent*  
*Trustee Marr*      *Aye*  
*Trustee Koske*      *Aye*  
***Motion Carried***

*Trustee Marr made a motion approve Ordinance 2015-23, An Ordinance Authorizing and Directing the Execution of the Annexation Agreement between the Village of Fox Lake and Tamara A. Ruppenthal, Seconded by Trustee Koske.*

*A roll call vote was taken as follows:*

Trustee Murrey           Aye  
Trustee Jensen           Aye  
Trustee Stochl           Aye  
Trustee Konwent       Absent  
Trustee Marr            Aye  
Trustee Koske           Aye  
**Motion Carried**

Trustee Marr made a **motion** approve Ordinance 2015-22, An Ordinance Annexing Certain Unincorporated Territory Owned by Tamara A. Ruppenthal to the Village of Fox Lake, Illinois, Seconded by Trustee Jensen.

A roll call vote was taken as follows:

Trustee Murrey           Aye  
Trustee Jensen           Aye  
Trustee Stochl           Aye  
Trustee Konwent       Absent  
Trustee Marr            Aye  
Trustee Koske           Aye  
**Motion Carried**

Trustee Marr made a **motion** approve Ordinance 2015-24, An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Rezoning Property known as 6817 State Park Road, Spring Grove, Illinois, and Granting a Special Use to Allow Operation of a Restaurant with a Liquor License on Said Property, Seconded by Trustee Jensen.

A roll call vote was taken as follows:

Trustee Murrey           Aye  
Trustee Jensen           Aye  
Trustee Stochl           Aye  
Trustee Konwent       Absent  
Trustee Marr            Aye  
Trustee Koske           Aye  
**Motion Carried**

Trustee Marr made a **motion** to Uphold the Plan Commission Recommendation, in accordance with section 9-1-6-10C, items 1-6, for the Petition of Milisa and Scott O'Sullivan requesting a Special Use to allow the operation of a Before and After School Daycare facility in the R-2 Zoning District on the property located at 513 Monroe Avenue, Fox Lake, Seconded by Trustee Murrey.

Mayor Schmit stated that the motion is to "uphold the Planning Commission recommendation" which is to deny the Special Use. Mayor stated that if you vote yes it is to deny the expansion. Mayor asked if everyone was clear. Howard stated that the Mayor has the right to vote in this situation. The vote was as follows.

A roll call vote was taken as follows:

Trustee Murrey           Aye  
Trustee Jensen           Nay  
Trustee Stochl           Nay  
Trustee Konwent       Absent  
Trustee Marr            Aye  
Trustee Koske           Nay

*Mayor Schmit*                      *Nay*  
***Motion Failed***

*Trustee Koske made a motion to reject the Planning Commission's recommendation and grant a Special Use in, in accordance with section 9-1-6-10C, items 1-6, for the Petition of Milisa and Scott O'Sullivan requesting a Special Use to allow the operation of a Before and After School Daycare facility in the R-2 Zoning District on the property located at 513 Monroe Avenue, Fox Lake, Seconded by Trustee Stochl.*

Trustee Stochl asked if there were some criteria that came along with the Planning Commission's recommendation Special Use and asked if that would be attached to the Special Use. Howard stated that yes it would be included. Trustee Marr stated that he would like to reiterate that this sets a bad precedent and we should remember that the next time something like this comes before the Board. There were no further comments from the Board.

*A roll call vote was taken as follows:*

<i>Trustee Murrey</i>	<i>Nay</i>
<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Absent</i>
<i>Trustee Marr</i>	<i>Nay</i>
<i>Trustee Koske</i>	<i>Aye</i>
<i>Mayor Schmit</i>	<i>Aye</i>

***Motion Carried***

Trustee Marr stated that if we are rejecting the Planning Commission's recommendation, where is it that ties the petitioners to the three items that they included in their recommendation. Howard stated that Trustee Stochl asked the question and that was everyone recommendation that they would be included in the Ordinance.

#### **VIII. Attorney Comments**

There were no attorney comments this evening.

#### **IX. President's Comments**

Mayor Schmit stated that the new website is up and running and it was a great project.

Mayor Schmit stated that on April 27<sup>th</sup> and 28<sup>th</sup> he will be down in Springfield as part of the Lake County Municipal League and the Illinois Municipal League to represent the Village regarding Governor Rauner "Turn Around" agendas. Mayor Schmit stated that he does not expect much success.

Mayor Schmit stated that on Thursday, the Illinois House of Representatives passed an Ordinance were all "non-home rule communities" can no longer have red light cameras. Mayor Schmit stated that this has not gone to the Senate for a vote. Mayor stated that these are additional funds we would lose along with the safety factor. Chief Behan stated that in 2005 the Village was averaging two to four accidents a week and in now we only have one. Mayor Schmit stated that this is not only a monetary inconvenient it is a safety issue as well.

Mayor Schmit stated that the “Food and beverage tax” and that there has been quite a bit on discussion about it and we had a meeting today with many of the tavern owners and they have asked for a “Sunset Ordinance” to be added to this. Mayor stated that he told them he would ask the Board their opinion. Trustee Koske stated that she does not have a problem with it but if the State does not give us back our funding we cannot tie ourselves to a Sunset Clause. Mayor stated that it would only be revisited not reversed. Howard stated that there is a difference there; A Sunset provision this would expire and it would then have to be reinstated and re-voted upon. Howard stated that the Board could do that or to direct in the Ordinance that it be revisited. There was discussion amongst the Board. It was determined that the Board would add to the Ordinance that the tax would be revisited in three years.

**X. Audience Comments**

There were no comments from the audience this evening.

**XI. Executive Session**

*Trustee Jensen made a **motion** to retire into Executive Session at 7:13 p.m. for Review of Executive Session Minutes and to include Anne Marrin Village Administrator, Deputy Clerk Carol Ward, Seconded by Trustee Stochl.*

*A roll call vote was taken as follows:*

<i>Trustee Murrey</i>	<i>Aye</i>
<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Absent</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>

***Motion Carried***

**XII. Reconvene the Village Board Meeting**

*Trustee Jensen made a **motion** to reconvene the Village Board Meeting at 7:27 p.m., seconded by Trustee Marr.*

*A roll call vote was taken as follows:*

<i>Trustee Murrey</i>	<i>Aye</i>
<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Absent</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>

***Motion Carried***

*Trustee Koske made a **motion** to approve and keep closed Executive Session Minutes Dating:*

- October 28, 2014
- November 12, 2014
- December 9, 2014– Sessions 1, 2, 3 and 4
- January 13, 2015 – Sessions 1, 2, and 3
- March 09, 2015 – Sessions 1, 2 and 3

*, Seconded by Trustee Jensen.*

*A roll call vote was taken as follows:*

<i>Trustee Murrey</i>	<i>Aye</i>
-----------------------	------------

Trustee Jensen Aye  
Trustee Stochl Aye  
Trustee Konwent Absent  
Trustee Marr Aye  
Trustee Koske Aye  
**Motion Carried**

Trustee Koske made a **motion** to approve and keep closed Executive Session Minutes Dating Executive Session minutes of October 14, 2014 Session 1 and 2, Seconded by Trustee Jensen.

A roll call vote was taken as follows:

Trustee Murrey Abstain  
Trustee Jensen Aye  
Trustee Stochl Aye  
Trustee Konwent Absent  
Trustee Marr Aye  
Trustee Koske Aye  
**Motion Carried**

Trustee Koske made a **motion** to approve and keep closed Executive Session Minutes Dating Executive Session minutes of November 25, 2014, Seconded by Trustee Murrey.

A roll call vote was taken as follows:

Trustee Murrey Aye  
Trustee Jensen Aye  
Trustee Stochl Abstain  
Trustee Konwent Absent  
Trustee Marr Aye  
Trustee Koske Aye  
**Motion Carried**

Trustee Koske made a **motion** to approve and keep closed Executive Session Minutes Dating Executive Session minutes of February 24, 2015 Session 1 and 2 , Seconded by Trustee Murrey.

A roll call vote was taken as follows:

Trustee Murrey Aye  
Trustee Jensen Aye  
Trustee Stochl Aye  
Trustee Konwent Absent  
Trustee Marr Abstain  
Trustee Koske Aye  
**Motion Carried**

### **XIII. Adjournment**

Trustee Stochl made a **motion** to adjourn the Village Board Meeting at 7:30 p.m., seconded by Trustee Marr.

A roll call vote was taken as follows:

Trustee Murrey Aye  
Trustee Jensen Aye  
Trustee Stochl Aye

<i>Trustee Konwent</i>	<i>absent</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>
<b><i>Motion Carried</i></b>	

Meeting was adjourned at 7:30 p.m.

---

Niki Warden, Village Clerk