



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 May 12th, 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 call in: Anne Marrin, Laura Linehan, Ryan Kelly, Donovan Day, Nazer Uddin, and Kealan Noonan.

2. Approval of Minutes

Trustee Konwent made a motion to approve the Village Board Meeting Minutes for April 28th, 2020 as presented, 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

3. Approval of the Warrant

Trustee Konwent made a motion to approve the Expenditures/Warrants/ Transfers for May 12th, 2020 in the amount of \$2,033,161.44, Seconded by Trustee Moore.

Anne reminded the Board that a payment went out to Joel Kennedy Construction for \$474,250 and another for \$928,534.

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)

There is none.

5. Village President’s Report

The State of Emergency will be extended for two weeks.

Mayor Schmit wanted to compliment Colleen Lennon in supplying food for the people at Lilac. There was also a hoarding incident that Colleen stepped in and helped clear up.

On the financial side of Covid, the County passed an ordinance that allows property tax to be paid in 50% installments. Payments are due: June 8th, August 7th, September 8th and November 9th. If these payment dates are meant, no late payment fines will be incurred.

The State has allocated \$25M in Rebuild Illinois funds. These grants can’t be less than \$500K or more than \$5M. The objective is to stimulate the economy and get Illinoisans back to work on infrastructure projects that are valuable to communities. Applications begin on Monday and it’s first come, first serve until all funds are exhausted. Mayor said this is a nice gesture, but with highest project threshold being \$5M, that may only mean five projects get approved. The Village has some shovel ready projects and if temporary help is necessary to get this application process done, the Mayor encourages getting help where needed. The Federal government is coming out with another stimulus bill for direct funding for local governments. The total bill is for \$37.5B to non-entitlement municipalities, which are municipalities with populations under 50,000. These funds are going to the State and the State then awards the cities based on population. This is to cover lost, delayed and decreased revenues stemming from the Covid health emergency. The application process for these funds will be similar to that of Rebuild Illinois. There will be two rounds off applications and the Mayor reiterated that hiring extra help such as an attorney or an accountant may be necessary.

Trustee Marr said he thought quite a few projects should be shovel ready. Mayor Schmit said he agrees that many projects have been shovel ready but they may sit for two years and it has to be revised due to lack of funds. He thinks many of these projects will need to be dusted off and determine which have the best chance of being funded.

A. Signage and Incentives

Mayor said if some Federal and State funds are received, the Village can set up program incentives. He thinks a website can be developed or posts can be made on Instagram and Twitter. The businesses will have to buy in but the Village can monitor it. Nothing can be done with the BDD monies except advertising.

Donovan Day said that social media posts have been helpful to business so far, reminding the public which are open, offering pick-up and delivery options. Jim Bush has made three signs that say “Support Fox Lake Restaurants to See What’s Cooking”, along with the website link showing which businesses are open. These will be located at State Park Rd and Rte. 12, Frontage Rd by Jewel and also Grand Ave. and 59. Public Works will install them soon. The train station marquee

will also be updated with this website link. For signage, banners up to 32 square feet are allowed without permit at this time. What a lot of municipalities are doing now, are not requiring the temporary signage permits.

The Facebook post Laura created showcasing the open businesses had around 9,000 views. Laura said the Village has an Instagram and Twitter account and she can do more with those.

Trustee Koske asked about local businesses that are open and not restaurants. Trustee Jensen asked if the Places for Eating Tax can be used to help out some of these businesses. Trustee Marr said BDD money can be used for advertising. Anne said there is Places for Eating Tax collected at locations where there is seating. Jim said to implement Places for Eating Tax, there must be seating. The tax can be assessed on both eat-in and carry-out, but there must be seating in the establishment.

B. Emergency Repairs

Mayor said a break was found in the line up at Leisure Village. Visu-Sewer will be lining the pipe to give it some integrity and allow it to last longer. When these emergency repairs are made on the joints, they may not last very long. Visu-Sewer offered to line the pipe for \$5,200. That, along with break repairs, will cost \$24,420. This exceeds the \$20K threshold for going out to bid. The Mayor wanted to be transparent in waiving the bid process in order to make this emergency repair. Scott Trotter said that on a per foot basis, labor and materials, he believes it is a fair price. Trustee Stochl said this pipe has broken three times in the past few years. He wanted to know if the lining will give the same integrity as replacing pipe. Mayor Schmit said this will be in lieu of replacement. Scott said the liner will increase the integrity of the pipe in the areas where it was compromised. Where the pipe sits is not perfect, but the liner should last about 20 years.

6. Village Administrator's Report

Anne said an email was sent out in May about Grace Ave. Trustee Marr had requested the tree be changed to a Japanese lilac tree and the posts should be painted a different color, like brown. Anne said the tree replacement was approved. The tree being replaced will be moved to another location in the Village.

Trustee Marr said he wasn't set on the posts being brown; he threw that color out as an example. Anne asked if he is okay with her gathering some color pallet examples so the posts can better match the surrounding color scheme. Trustee Marr agreed.

Anne is working with Kealan on the previous Deco grant funding. Deco is now requiring letters of support of a public hearing. Therefore, at the next Board Meeting, there will be a public hearing asking for comment on the Village applying for these grants.

Anne also reminded the Board that \$550K Nippersink wall funding is still getting allocated to the Village. CMAP was awarded extra money, so Nippersink will go out to letting in November 2020.

7. Village Attorney Report

Howard said he is making good progress on the Phase 2 easements. The Reed and Jackson properties along Nippersink Place have closed.

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 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

The Mayor asked for comment from the Strategic Planning Teams and there are none.

11. New Business

A. Resolution 2020-R-17: A Resolution Approving and Authorizing the Execution of a Master License Agreement for the Collocation of Small Wireless Facilities Located within the Village of Fox Lake Municipal Rights-of-Way.

The State mandates guidelines for wireless cell towers. This will give the Village as much control as possible. There are rate and esthetic requirements included in the resolution.

Trustee Marr asked about non-Village owned utility poles and if they apply to these guidelines. Jim Ferolo said that non-Village owned poles, like ComEd, don't have to allow the installation of small cell facilities on their pole. This is for co-location of small cell facilities in municipalities where it can be done. The push is for co-location instead of installing new poles. There will be design and aesthetic standards, so the design must be matched or the Village can suggest another location. Trustee Marr asked if poles can be installed along residential streets. Jim said these can't be in residential areas but in municipal rights-of-way. There has to be site specific permits for each location and the Village will have some input. There has to be certain locations used in order to achieve the 5G network. The Mayor mentioned Leisure Village where the Village doesn't own the streets there. Jim said not if it's private property. Jim said this particular agreement was negotiated with Verizon and it provides the best scenario under a State law which is not favorable to municipalities.

B. Resolution 2020-R-18: A Resolution Approving Written Design Standards for Small Wireless Facilities within the Village of Fox Lake.

This is related to A. Resolution 2020-R-17.

C. Resolution 2020-R-19: A Resolution Authorizing and Ratifying a Contract with Visu-Sewer for an Emergency Repair on East Leisure Village Avenue.

This is for the pipe repair discussed in the President's Report earlier in the meeting.

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 Konwent. All were in favor. Motion carried.

14. Items to be Removed from Consent Agenda

There are 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 2020-R-17: A Resolution Approving and Authorizing the Execution of a Master License Agreement for the Collocation of Small Wireless Facilities Located within the Village of Fox Lake Municipal Rights-of-Way.
2. Resolution 2020-R-18: A Resolution Approving Written Design Standards for Small Wireless Facilities within the Village of Fox Lake.
3. Resolution 2020-R-19: A Resolution Authorizing and Ratifying a Contract with Visu-Sewer for an Emergency Repair on East Leisure Village Avenue.

B. Ordinances

There are none.

C. Motions

There are none.

Trustee Jensen made a motion to move that items, Resolutions A 1-3 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 Moore</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>
<i>Motion Carried</i>	

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 Moore</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>
<i>Motion Carried</i>	

16. Approval of Exceptions

There is none.

17. For the Good of the Order

There is none.

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

Mayor reconvened the Special Use Permit Hearing.

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

The Mayor asked for public comment regarding the Special Use Permit for the Property located at 100 S. Route 12, Fox Lake, Illinois and there was none.

Due to Covid and the Governor's Stay at Home Order, the Village will continue the Special Use Hearing to July 14th at 6:30pm. The thirteenth Supplemental Village Board Findings from January 28, 2020 will remain in effect.

The Mayor closed the Special Use Hearing.

20. Audience Comments

Ryan Kennedy, Vice President from Joel Kennedy Construction Corp., said they were forced to file suit to recover costs from the Interconnect Project. This is a complex project that required two additional companies to come in a try to operate a difficult set of directional drills. The two companies were both unsuccessful in the same exact location. Ryan said it's not a coincidence or means and methods issued. He wants his company to be treated fairly and get paid per the contract which has guidelines for encountering unforeseen circumstances. He trusted that when their bid was submitted, they would be treated fairly. He asked the Board to look at the situation and review the contract. He wants to try and come to a solution with the Village which is fair for all parties.

21. Executive Session

Mayor Schmit and Howard will be recusing themselves from Executive Session. Since there will be no action stemming from Executive Session, the Village Board Meeting will be adjourned directly from Executive Session.

*Trustee Moore made a **motion** to retire into Executive Session at 7:18p.m. for Pending Litigation to include Village Administrator Anne Marrin, Assistant to the Village Administrator Laura Linehan, Kealan Noonan, Scott Trotter and Jim Ferolo, seconded by Trustee Marr. All were in favor. **Motion Carried.***

*Trustee Jensen made a **motion** to adjourn the Village Board Meeting directly from Executive Session, seconded by Trustee Moore. All were in favor. **Motion Carried.***

22. Adjournment (Made in Executive Session)

*Trustee Stochl made a **motion** to adjourn the meeting at 7:51p.m., seconded by Trustee Konwent. All were in favor. **Motion Carried.***

Meeting was adjourned at 7:51P.M.


Amy Driscoll, Village Clerk