



**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 July 14th, 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, Konwent, Koske, Marr and Moore. Trustee Stochl arrived at 6:32pm.

Staff also in attendance via call in: Anne Marrin, Donovan Day, Nazer Uddin, Phillip Love and Kealan Noonan.

2. Approval of Minutes

Trustee Konwent made a motion to approve the Village Board Meeting Minutes for June 23rd, 2020 as presented, seconded by Trustee Koske.

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 Absent for this vote*
- Trustee Konwent Aye*
- Trustee Marr Aye*
- Trustee Moore Aye*
- Trustee Koske Aye*
- Motion Carried***

3. Approval of the Warrant

Trustee Koske made a motion to approve the Expenditures/Warrants/ Transfers for July 14th, 2020 in the amount of \$2,769,103.95, Seconded by Trustee Moore.

There were three weeks between warrants, resulting in additional bills: Frontage Rd North \$463K, Phase 1 of the Interconnect project payments to Berger \$166K and Kennedy Construction \$545K.

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

A. Discussion of Late Fees

Late Fees for Sewer and Water, as well as business license fees were waived until July 1st. Mayor Schmit asked if late fees should continue to be waived until August 1st or start implementing them again. Trustee Stochl said that businesses have been shut down for months and these companies will still owe the money, it is only the late fees that will get waived. Mayor wanted to know if this topic should be revisited every month, or does the Board want to extend the late fees until there has been a recovery. Trustee Marr didn’t think it will be a big deal to revisit this every few months. Trustee Koske agrees since there is no way of knowing how long it will be before there is a recovery. Trustee Konwent also agrees. The decision was made to revisit the discussion on Late Fees each month.

B. Liquor License Review

Mayor Schmit said that during his tenure as Mayor, there are 12 less liquor licenses in town compared to 7 years ago. The ordinance presented tonight will bring the total liquor licenses down to 17. Additional licenses can be added later, if needed.

C. Sales Tax Revenues

Since the shelter in place order started in March, the Village is down \$107,204 compared to last year. With no video gaming, the Village is down \$87K. The Village should get about \$30K back from the County.

6. Village Administrator’s Report

The Northern Illinois Foodbank / Grant Township are holding a pop-up pantry on July 24th. About 1,000 vehicles are expected and 60 volunteers will be needed. They have hosted similar pantries in Waukegan, North Chicago and Gurnee that have been successful. This will be held in the Grant High school parking lot and the timeframe will be approximately 2-3 hours.

Tom Weber’s office reached out to set up a blood drive due to the recent blood shortage. This drive will be held on August 4th at Lakefront Park by appointment only.

7. Village Attorney Report

Howard asked if the Board had any questions stemming from review of Executive Session Board Minutes. The Board thought the due date to review Executive Session Minutes was July 24th. Howard said that is when he would like to make the motion to approve the Minutes, so the Board will need to review them and prepare any comments prior to the next Executive Session.

8. Village Treasurer's Report

There is none.

9. Preliminary Audience Comments (on Agenda Items Only)

There is 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 Moore.

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>

Motion Carried

A. Strategic Planning Team Reports

Trustee Marr mentioned the TIF sidewalk which is on the sixth submittal. He wants to know if there is someone in Springfield who can lend a hand and help out. This process has taken two years so far. Trustee Marr asked why the Grace Avenue pump went out and if it was faulty. Kealan doesn't know what happened but the pump has been in place since the winter. Trustee Marr thought the pump was to be removed in the winter time. Mayor Schmit said one of the selling points for that type of pump was they get blown out each year but the equipment stays in place. Trustee Marr's final question was why business inspections are on hold. Donovan said they occur only when Trent, the building inspector, feels comfortable. So if it's a crowded business, like a salon or a place Trent doesn't feel comfortable, they are put on hold. If a business needs a business license in order to sell food or liquor, then the business permit is provided and an inspection is scheduled for a later date.

11. New Business

A. Resolution 2020-R-26: A Resolution Approving a Construction Engineering Service Agreement with Gewalt Hamilton, Inc. for Phase III Engineering Services for the Nippersink Blvd Reconstruction Project.

The cost is \$200,152 for inspection and oversight during construction.

B. Resolution 2020-R-27: A Resolution Authorizing the Village of Fox Lake to Allocate Motor Fuel Tax Funds for the Local Portion of Funds Required on the Nippersink Blvd Road Project. *This is the Village form for the resolution. It will authorize the Village to commit \$1,291,231.50, or as much as may be needed, to match Federal funds from the Motor Fuel Tax Fund for Phase 3 construction of Nippersink Rd. The Village has been saving up for this for a few years and will pay 36% of the project, while the Federal government will pay 64%. Mayor believes the \$1.29M should be the maximum.*

- C. Resolution 2020-R-28: A Resolution Authorizing the Mayor to Sign and Approve the IDOT Resolution for Use of Motor Fuel Tax Funds for Phase III of Nippersink Blvd. Road Project.
This is the IDOT form for the resolution (similar to B above).
- D. Resolution 2020-R-32: A Resolution Authorizing the Mayor to Sign and Approve a Collective Bargaining Agreement Between the Village of Fox Lake and the Illinois Fraternal Order of Police Labor Council, Fox Lake Fraternal Order of Police Lodge No. 90 for the Period of May 1, 2020 – April 30, 2021.
This is for restructuring of the police contract. There will be a 0% cost of living allowance for this year. This is offset by an insurance restructuring, shift changes from 8 to 12 hours a day, and a comp time reduction.
- E. Resolution 2020-R-33: A Resolution Authorizing Change Order No. 1 on the Route 12 Private Site Improvements.
This is an extra \$8,000 for Family Restaurant, the Bait Shop and Oak Street paving. This brings the total project up to \$82K but still came in under the budget, which was anticipated to be over \$100K. Trustee Marr asked if there were changes made after the original contract. Mayor said the businesses were to be impacted for only a few weeks based on the initial construction drawings. When the construction started it impacted the businesses more than anticipated and there were objections at that time. The project ended up being longer than 2-3 weeks. Trustee Marr said one of the missions the Village puts out there is sidewalks and greenspace, and he doesn't see anything but pavement between Family Restaurant and Beer Can Bridge. He also commented on multiple curb cuts in that area. He was wondering if there was any thought about consolidating the space better for both the road and curb cut to allow for more parking and green space. Route 12 is a major artery through town and the Village didn't implement any of the beautification efforts that businesses are expected to implement. Trustee Marr wants the Village to think of this going forward as the Village should be the one leading the charge in this effort.
- F. Ordinance 2020-17: An Ordinance Amending the Budget for the Fiscal Year Beginning May 1, 2020 and Ending April 30, 2021.
When the budget was put together, it did not include funding for Nippersink because the County had cut out funding. Now, the funding has become available so the budget has been adjusted for this.
- G. Ordinance 2020-18: An Ordinance Amending Section 3-3-6 A 1 f of the Village Code by Reducing the Allowable Number of Class A-5 Package Store Liquor Licenses.
This will decrease the number of licenses to 17 and 2 are available for taverns if needed.
- H. A Motion to Accept the Proposal from Teska and Associates for a Tax Increment Finance District Feasibility Study.
This is for \$23K and the funds will come from the South and Central Business District Fund. This will go down to Big Hollow but will not include the Big Hollow school property. The feasibility study is \$8K, and the remaining funds from the \$23K will be used if the Board makes a decision to proceed once the study is complete.
- I. A Motion to Direct the Village Attorney of the Village of Fox Lake to Draft an Ordinance for Transferring a Special Use to Operate an Automobile Dealership Business at the Property at 75 S. Route 12, Fox Lake, Illinois, to Loquercio Automotive Northside, LLC.
Staff recommends approving the Special Use permit but there needs to be discussion related to the sidewalk. Trustee Koske said that agreements were previously made that any new business in town should have a sidewalk, especially on Route 12. Mayor Schmit said he'd talk to the new owners. Council for the new owners was present at the Board Meeting and he asked how long the sidewalk will need to be. Mayor said it would be the size of the property limits on Route 12. Loquercio's representative wasn't sure if the buyer would do that since it wasn't part of the initial agreement with the seller. There are currently no incentives being requested. Trustee Jensen said that is something

to look into to get the deal done. Mayor said to pass the Special Use with the sidewalk attached and there may be funding opportunities. There is specific instruction as part of the Special Use and comprehensive plan to have the sidewalk included. Loquercio's council asked if there can be a sales tax incentive. The property is supposed to close on July 20th and the franchise transfer won't be approved unless the Special Use gets approved. His client wouldn't have an issue if there is reimbursement through sales tax. Howard said there can be a vote tonight to approve the Special Use subject to parties reaching a mutual agreement on the sidewalk. Mayor said he will take this Motion off the Consent Agenda and the Board can vote on this as they choose.

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.

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>	

14. Items to be Removed from Consent Agenda

Motion C-2: A Motion to Direct the Village Attorney of the Village of Fox Lake to Draft an Ordinance for Transferring a Special Use to Operate an Automobile Dealership Business at the Property at 75 S. Route 12, Fox Lake, Illinois, to Loquercio Automotive Northside, LLC.

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-26: A Resolution Approving a Construction Engineering Service Agreement with Gewalt Hamilton, Inc. for Phase III Engineering Services for the Nippersink Blvd Reconstruction Project.
2. Resolution 2020-R-27: A Resolution Authorizing the Village of Fox Lake to Allocate Motor Fuel Tax Funds for the Local Portion of Funds Required on the Nippersink Blvd Road Project.
3. Resolution 2020-R-28: A Resolution Authorizing the Mayor to Sign and Approve the IDOT Resolution for Use of Motor Fuel Tax Funds for Phase III of Nippersink Blvd. Road Project.
4. Resolution 2020-R-32: A Resolution Authorizing the Mayor to Sign and Approve a Collective Bargaining Agreement Between the Village of Fox Lake and the Illinois Fraternal Order of Police Labor Council, Fox Lake Fraternal Order of Police Lodge No. 90 for the Period of May 1, 2020 – April 30, 2021.

- 5. Resolution 2020-R-33: A Resolution Authorizing Change Order No. 1 on the Route 12 Private Site Improvements.

B. Ordinances

- 1. Ordinance 2020-17: An Ordinance Amending the Budget for the Fiscal Year Beginning May 1, 2020 and Ending April 30, 2021.
- 2. Ordinance 2020-18: An Ordinance Amending Section 3-3-6 A 1 f of the Village Code by Reducing the Allowable Number of Class A-5 Package Store Liquor Licenses.

C. Motions

- 1. A Motion to Accept the Proposal from Teska and Associates for a Tax Increment Finance District Feasibility Study.

Trustee Jensen made a motion to move that items, Resolutions A 1-5, Ordinances B 1-2, and Motions 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:

<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

- J. Trustee Jensen made a **motion** for the Village Attorney of the Village of Fox Lake to Draft an Ordinance for Transferring a Special Use to Operate an Automobile Dealership Business at the Property at 75 S. Route 12, Fox Lake, Illinois, to Loquercio Automotive Northside, LLC, subject to parties reaching a Mutual Agreement on a sidewalk, 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>

Trustee Marr Aye
 Trustee Moore Aye
 Trustee Koske Aye
Motion Carried

17. For the Good of the Order

Trustee Konwent said that Leisure Village is thankful for the repairs done to the street, sidewalk and planting a new tree.

Trustee Stochl would like to have meetings held back in the Village Board Room. The Zoom meetings aren't very substantial and a discussion should be had since most meetings are less than 50 people.

Trustee Stochl asked why the pier wasn't put in at the Lakefront. Anne said the park was closed until July 1st. Technically, the playgrounds are now open and Public Works is trying to catch up with all lawn maintenance, weeding and tree removal. Trustee Stochl said that whether or not the park is open, the pier should have been installed.

Trustee Stochl's final comment was about the Washington Street pond and that it appears to be getting worse and worse. Kealan said it looks bad but there are applications for treating the weeds at the bottom of the pond, which are causing them to come to the surface. There will be one more application before the pond is cleaned out.

18. Audience Comments

Ryan Kennedy, from Kennedy Construction, spoke regarding the Interconnect Project. He is open to speaking to someone from the Board about the contract issues. He believes the Board is being told that Kennedy Construction is the bad guy. Prior to construction, there was a soil sample collected that was believed to be contaminated. A month later, the drilling subcontractor arrived to work on the site. Weeks later, operations were put on hold due to confirmation that the soil was contaminated. Ryan said that Kennedy Construction paid the drilling contractor nearly \$500K for their work on the site, which they told the Village engineer was contaminated. He said Kennedy saved the Village thousands of dollars with their engineering ideas on this project and should not be held accountable for a Village engineering error. He doesn't want people thinking they are the bad guys. They finished their work under budget and ahead of schedule. He said the Board can reach out to him at any time.

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

Mayor Schmit Reconvened the Hearing.

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

There is no public comment.

Mayor Schmit continued the Special Use Hearing to September 8th, 2020 at 6:30pm. The thirteenth supplemental findings should stay in effect.

Mayor Schmit closed the hearing.

21. Executive Session

*Trustee Jensen made a **motion** to retire to Executive Session at 7:35pm, for the Special Use Permit regarding 100 S. Route 12 and Pending Litigation; to include Mayor Schmit, Anne Marrin, Kealan Noonan, Donovan Day, Scott Trotter and Susan Novak, 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
Motion Carried


22. Adjournment (Made in Executive Session)

Trustee Stochl made a **motion** to adjourn the meeting at 8:28p.m., 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
Motion Carried

Meeting was adjourned at 8:28P.M.



Amy Driscoll, Village Clerk