



**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 October 13th, 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 Zoom conference: Anne Marrin, Laura Linehan, Donovan Day, Susan Griffin, Ryan Kelly, Jimmy Lee Jr., Matt Trujillo and Kealan Noonan.

2. Approval of Minutes

Trustee Marr made a motion to approve the Village Board Meeting Minutes for September 22nd, 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 Aye
Trustee Konwent Abstain
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 October 13th, 2020 in the amount of \$1,297,726.60, Seconded by Trustee Marr.

Anne pointed out there were three weeks between meetings, so the warrant will be a large amount. There were a few electrical bills for large loads. There is also a typo: the General Fund is \$511,282.86, not the TIF Fund which is zero.

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>	

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

A. Swearing in of Susan Griffin – Interim Finance Director / Treasurer

Susan Griffin was sworn in by the Village Clerk.

5. Village President’s Report

A. Mobile Covid Testing Site

There will be a testing site at Grant High School from 9-5pm on Sunday. The Health Department wanted to do something in Western Lake County, so the high school will provide a site. They are asking for volunteers. Anyone looking to get tested can come by the school on Sunday.

6. Village Administrator’s Report

A. Halloween – Trick or Treat Discussion

Laura Linehan and Matt Trujillo presented options for the Board to consider and make a decision on Halloween. They showed a slide on what surrounding communities are doing in terms of trick or treating hours and rules.

Option 1: Cancel Trick or Treating and no official hours will be posted.

Option 2: Reduced Trick or Treating hours of 3pm-6pm and provide signage for resident’s doors that show YES (green sign) or NO trick or treaters (red sign). The signs can be picked up at Village Hall, Lakefront Park or the Police Station. There will also be a link provided for residents to print their own. Porch lights can also be put on to show trick or treaters or welcome. Leave porch lights off for no trick or treaters.

Whichever option is chosen by the Board, there will be social media blasts, as well as signs around town and on the Metra station board to get word out to Village residents.

The Board voted on Option 2 – Trick or Treating from 3-6pm on October 31st.

7. Village Attorney Report

There is none.

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.

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

A. Strategic Planning Team Reports

1. Strategic Planning Team Reports Attached

The Mayor asked if anyone had comments or questions and there were none.

11. New Business

A. Resolution 2020-R-55: A Resolution of Intent to Award the Contract for Construction of Phase II of the Village of Fox Lake North-South Water and Sewer Interconnect Project

Trine Construction was the low bidder at \$10,700,700. Trotter has reviewed the bid and determined it is a qualified bidder and fair bid.

B. Ordinance 2020-22: An Ordinance Authorizing Execution of the Second Amendment to the Exclusive Agreement Between the Village of Fox Lake and Redflex Traffic Systems, Inc. for Photo Red light Enforcement

This agreement was 5 year agreement with two three year extensions. Chief Lee worked with Redflex to reduce the monthly fixed be to \$4,195. There is no fee if IDOT takes the camera out for maintenance or upgrade for more than 14 days. The revenue from these cameras was \$185K in 2018, \$228K in 2019 and \$214K so far this year. Trustee Moore asked if there has been any news out of Springfield to ban these cameras. Mayor hasn't heard anything from the Veto or Lame Duck sessions. He expects there will be a compromise where cameras will be allowed in places where it can be proven to be for safety purposes only.

C. Ordinance 2020-23: An Ordinance Granting a Certain Variation from the Fence Ordinance of the Village of Fox Lake, Lake and McHenry Counties, Illinois, for a Fence to be Located at the Francisco Estrada Property at 254 Orchard Place Fox Lake, Illinois

1. Discussion of Ordinance 2020-23

Petitioner thought if everything was done right, no spacing between fences. Looking at it and reason for spacing is for traffic line of site. Staff is recommending granting the 4 foot board fence. Trustee Jensen said there is a place across the street with a 6 foot high stockade fence and there is more than 50% coverage so he understands there may be some confusion. He doesn't have an issue granting the variation. Trustee Stochl said there use to be pictures in the zoning book where the fence was located and the fence isn't located in an area that will cause a vision problem. He doesn't think granting a variance will set precedent and isn't a good idea. The Village should leave this as is and move on. Donovan said there aren't pictures in the current zoning ordinance. The ordinance states that if a yard is abutting a street, it needs a fence that's 50% open and no more four feet.

Howard thinks no action may be a dangerous thing to do. The way to avoid confusion is to grant the variation so this particular fence is not in violation. Any future applicants for variances will

have to have a public hearing. Granting one doesn't mean that all applications will be approved. Right now, there is a violation issue and the owner is requesting a variation and it's a simple fix. The Board agrees to grant the variation and update the wording of the ordinance.

- 2. Public Hearing Regarding Ordinance 2020-23
The Mayor asked for public comment and there are none.

D. A Motion to Approve the Raffle License Request from the American Legion Post 703 to Conduct a 50/50 Raffle Every Monday to Raise Money for their Establishment and Veterans and to Waive the Bond Requirement

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:

Trustee Jensen Aye

Trustee Stochl Aye

Trustee Konwent Aye

Trustee Marr Aye

Trustee Moore Aye

Trustee Koske Aye

Motion Carried

14. Items to be Removed from Consent Agenda

There are none.

15. Consent Agenda

All items listed on the Consent Agenda are 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-55: A Resolution of Intent to Award the Contract for Construction of Phase II of the Village of Fox Lake North-South Water and Sewer Interconnect Project

B. Ordinances

- 1. Ordinance 2020-22: An Ordinance Authorizing Execution of the Second Amendment to the Exclusive Agreement Between the Village of Fox Lake and Redflex Traffic Systems, Inc. for Photo Red light Enforcement
- 2. Ordinance 2020-23: An Ordinance Granting a Certain Variation from the Fence Ordinance of the Village of Fox Lake, Lake and McHenry Counties, Illinois, for a Fence to be Located at the Francisco Estrada Property at 254 Orchard Place Fox Lake, Illinois

C. Motions

1. A Motion to Approve the Raffle License Request from the American Legion Post 703 to Conduct a 50/50 Raffle Every Monday to Raise Money for their Establishment and Veterans and to Waive the Bond Requirement

*Trustee Jensen made a **motion** to move that items, Resolutions A-1, Ordinances B 1-2 and Motions C-1 be established as the Consent Agenda for this meeting by unanimous vote, 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>
<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. Audience Comments

Ryan Kennedy from Kennedy Construction wanted to provide an update on the lawsuit with Fox Lake. He said the mediation wasn't successful. There is retainage on the project that was reduced from 5% to 2% and it is due on Thursday. The parties involved in the mediation wanted Scott Trotter present. Kennedy Construction was fine with that as long as a Village Board member will be present. There was not a Village Board present for mediation. Ryan said he hoped a Board member could help bring this to a conclusion. Not knowing until a day before mediation that a Board member wouldn't be present was frustrating on his end. HE doesn't think things have been handled properly and he wants the issue resolved and it's important that everyone gets treated fairly. He wants to get paid for the contract and any requests from damages have been removed. He is open to talking and will answer questions under oath or in front of the Board. He has nothing to hide and will explain communication from Kennedy's side. Ryan said he's an open book and open for anyone who wants to reach out and talk.

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

Mayor Schmit reconvened the Special Use Hearing.

20. 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 and there was none.

The Village will continue the Special Use proceedings to December 8th, 2020 at 6:30pm. The thirteenth supplemental findings shall remain in effect.

Trustee Koske asked if when this will come to an end. Mayor hopes by first of the year when the Thomas property is sold.

Mayor Schmit closed the Special Use hearing.

21. Executive Session: Deliberations on Pending Litigation

Trustee Koske made a motion to go into executive session for discussion Pending Litigation, to include Anne Marrin, Laura Linehan, Scott Trotter, Susan Novak, Jim Ferolo and Kealan Noonan, at 7:10pm, seconded by Trustee Moore.

Mayor Schmit and Howard Teegen recuse themselves from Executive Session.

Since there will be no motion coming out of Executive Session, the Village Board Meeting will adjourn directly from Executive Session, upon conclusion.

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>	

22. Adjournment (made from Executive Session)

Trustee Stochl made a motion to adjourn the meeting at 8:04p.m., seconded by Trustee Marr.

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>	

Meeting was adjourned at 8:04P.M.



Amy Driscoll, Village Clerk