

**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 December 8th, 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, Stochl, Koske (arrived at 6:31pm), Marr and Moore.

Staff also in attendance via Zoom conference: Anne Marrin, Laura Linehan, Donovan Day, Ryan Kelly, Jimmy Lee Jr. and Kealan Noonan.

2. Approval of Minutes

Trustee Konwent made a motion to approve the Village Board Meeting Minutes for November 24, 2020 as presented, seconded by Trustee Moore.

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 Aye*
- Trustee Marr Aye*
- Trustee Moore Aye*
- Trustee Koske Aye*
- Motion Carried***

3. Approval of the Warrant

Trustee Jensen made a motion to approve the Expenditures/Warrants/ Transfers for December 8th, 2020 in the amount of \$458,437.91, 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>	

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

A. Promote Fox Lake

Michael Lescher spoke about Promote Fox Lake’s 2020 accomplishments:

- *Maintained gardens.*
- *Clean and Proud project with 17 volunteers to clean street blocks, downtown streets and the lakefront.*
- *Flower pots by Thorton’s and the parks.*
- *Cooperation with Public Works to get weeding done.*
- *Holiday lights coordinated with music.*

Michael said that he is not sure what next year will bring but there is money remaining in the account because of a slow 2020. He assumes next year will be lower profile again, but Promote Fox Lake will keep their efforts going. He asked the board, when starting budget talks, to investigate any way to help and provide around \$1K in funds for Promote Fox Lake. They will be holding officer elections in January and Michael plans to stay on for a little longer. He has been in touch with Grant Township and the schools about people who need help, whether it be mental, physical, rent, food, etc. ...He is concerned about the people who don’t get the messages on social media for places who offer up this kind of help and assistance. Michael would like to compile a list and circulate to people who may need the help, especially those without a computer or family nearby.

Trustee Moore thanked Promote Fox Lake for all of the hard work, and she agrees that it will be a worthwhile cause to get word out to those in need.

B. Proclamation for Mike Warner

Mayor Schmit said that Mike Warner has stepped down as the Executive Director of Storm Water Management. Warner has helped the Village quite a bit. He was a great asset and will be missed.

5. Village President’s Report

There is none.

6. Village Administrator’s Report

There is none.

7. Village Attorney Report

A. Phase I Easement

Howard Teegen said there are a couple motions on the Agenda that he wanted to cover. The Bauske Property from Phase I of the interconnect is the first one. Easement and deed required the Village to connect sewer and water to three structures. One was a trailer that is no longer utilized,

and the plan is for the Village to pay \$5K to the property owners and not pay for hookup to the trailer.

The other motion requires the Village to post a \$700K Letter of Credit to cover the work done on County right of ways. This will cost about \$14K annually. He is expecting the IEPA to take advantage of the low water levels. This motion will ratify the action of the Mayor to sign the Letter of Credit.

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:

<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>	

A. Strategic Planning Team Reports

The Mayor asked for comments and there were none.

11. New Business

A. Ordinance 2020-25: An Ordinance Adopting by Reference of the Lake County Watershed Development Ordinance

This is an annual requirement for the Village to adopt the Development Ordinance in order to maintain certification status. This needs to be finished before January 2021. With increased rainfall, there are additional retention requirements on new construction.

B. A Motion to Approve the Façade Improvement Program Application for Lakeland Bakery and Deli, 19 S. Route 12

Made facade improvements before opening; Staff recommends payment of \$2,018.14. Trustee Stochl said the lettering in the windows looks more like advertisement. He thinks façade improvement requirements should be stricter, and more brick and mortar related. Mayor Schmit said the new deli is a great place, and there has been a lot done to improve inside and outside.

C. A Motion to Authorize the Mayor to sign an Amendment to Contract for Easement and Deed for the Bauske property for Phase I of the Interconnect Project

This is one of the motions Howard discussed in the 'Village Attorney Report' above.

D. A Motion to Ratify the Mayor’s Signing of an Application to BMO Harris Bank N.A. for Issuance of a Letter of Credit for \$700,000.00 in Favor of the Lake County Division of Transportation, for Phase II Interconnect Project Work in Lake County Right of Ways
This is one of the motions Howard discussed in the ‘Village Attorney Report’ above.

12. Old Business

A. Resolution 2020-R-63: A Resolution Authorizing the Execution of a Cable Television Franchise Agreement by and between the Village of Fox Lake and Comcast of Illinois XII, LLC

This is a five-year agreement discussed at the previous Village Board Meeting.

B. Ordinance 2020-24: An Ordinance Providing for the Levy of Taxes for the Village of Fox Lake, Lake and McHenry Counties, State of Illinois, for Collection in the Fiscal Year Beginning May 1, 2020 and Ending April 30, 2021 (Final Reading)

This tax levy was discussed at the previous Village Board Meeting.

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 Stochl. 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

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-63: A Resolution Authorizing the Execution of a Cable Television Franchise Agreement by and between the Village of Fox Lake and Comcast of Illinois XII, LLC

B. Ordinances

1. Ordinance 2020-24: An Ordinance Providing for the Levy of Taxes for the Village of Fox Lake, Lake and McHenry Counties, State of Illinois, for Collection in the Fiscal Year Beginning May 1, 2020 and Ending April 30, 2021 (Final Reading)
2. Ordinance 2020-25: An Ordinance Adopting by Reference of the Lake County Watershed Development Ordinance

C. Motions

1. A Motion to Approve the Façade Improvement Program Application for Lakeland Bakery and Deli, 19 S. Route 12
2. A Motion to Authorize the Mayor to sign an Amendment to Contract for Easement and Deed for the Bauske property for Phase I of the Interconnect Project
3. A Motion to Ratify the Mayor’s Signing of an Application to BMO Harris Bank N.A. for Issuance of a Letter of Credit for \$700,000.00 in Favor of the Lake County Division of Transportation, for Phase II Interconnect Project Work in Lake County Right of Ways

*Trustee Jensen made a **motion** to move that items, Resolutions A-1, Ordinances B 1-2, and Motions C 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>
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 Moore</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>
Motion Carried	

16. Approval of Exceptions

There are none.

17. For the Good of the Order

Trustee Koske discussed Phase 2 of the Interconnect Project. She mentioned Mayor Schmit’s weekly report which outlined his level of participation in project. There was a lot of info on what Mayor has done on the project. Trustee Koske said she is not questioning the Mayor’s dedication or knowledge. She is questioning potential liability issues. The Village has a Department of Public Works, Contractor, Engineer and Administrator that work with Board on these types of projects. She worries about Mayor Schmit being on the job site, without approval from the Board. This puts liability on the Village and away from the Village Engineer. The Mayor needs to be careful if he’s involved in the project. Trustee Koske said she has no problem with Mayor being involved but he needs to be careful. Nothing should change on the jobsite without approval from the Village Board and Engineer. Mayor Schmit said he is not involved in the day-to-day. The Village Engineer directs contractor, and Mayor has no communication in that. Mayor Schmit said he saved the village \$1M when he, Scott Trotter and Susan Novak redesigned the plans on Grass Lake Road. He will continue to be involved in the project as he is knowledgeable in this area and can give recommendations. Any major decisions and change orders will continue to come before the

Village Board. Trustee Konwent believes the Mayor knows what to do in these circumstances. Trustee Koske said she isn't trying to disparage the Mayor in any way, she is concerned about the liability. Scott Trotter clarified that any discussion with the Mayor has been helpful in coming up with solutions. Scott serves numerous communities, and he hasn't had any issues with Village Officers being involved in these processes.

Trustee Moore thanked Fox Lake Police Department and Fire District during these unprecedented times and going into homes with possibility of being exposed to Covid. Trustee Moore asked that Chief Lee please extend gratitude to the Police Department for all they do. She also expressed sadness for Fox Lake residents who have lost loved ones from Covid19. She said thoughts and prayers are with them all.

18. Audience Comments

Paul Labanski, from Joel Kennedy Construction spoke about four unresolved claims related to Phase I of the Interconnect Project. Over 38 years, this is the first time he has filed a complaint against a municipality. He said they went above and beyond to complete the interconnect project on time. They worked with local businesses that were impacted by their construction work. They followed Trotter's directive, completed the work in good faith and expect to be paid accordingly. Paul asked for reasonable compensation and doesn't want to continue to litigate matters.

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

Mayor Schmit opened the hearing.

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

Mayor asked for audience comment and there was none.

The Thomas property has been sold.

The Special Use Hearing will be continued to January 12th at 6:30pm. The 13th Supplemental Findings shall remain in effect until that time.

21. Executive Session

Trustee Koske made a **motion** to retire to Executive Session at 7:07pm, for a discussion on Pending Litigation; to include Anne Marrin, Laura Linehan, Kealan Noonan 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 from Executive Session)

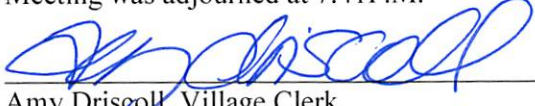
Trustee Stochl made a **motion** to adjourn the meeting at 7:41p.m., seconded by Trustee Marr.

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 7:41 P.M.



Amy Driscoll, Village Clerk