



**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 11, 2021, and 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, Marr and Moore.

Staff also in attendance: Laura Linehan, Kealan Noonan, Ryan Kelly, Wayde Frerichs, and Jimmy Lee Jr.

**2. Approval of Minutes**

**A. Village Board Meeting Minutes for April 27, 2021**

*Trustee Marr made a motion to approve the Village Board Meeting Minutes for April 27, 2021 as amended, seconded by Trustee Jensen.*

*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            Absent*
- Motion Carried***

**3. Approval of the Warrant**

Trustee Konwent made a *motion* to approve the Expenditures/Warrants/Transfers for April 27, 2021 in the amount of \$1,842,876.77, 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	Absent

**Motion Carried**

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

**A. Anchor Award Recipient – Grant Community High School NHS**

Mayor presented Grant NHS with the Anchor Award. This is the second time Grant has received this award. Mayor said he is very proud of the NHS students and with people like them, the future looks good.

**B. 2021 – 2022 Appointments**

Trustee Konwent made a *motion* to approve the 2021 – 2022 appointments, 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	Absent

**Motion Carried**

*The following positions were sworn in: Mayor, Village Clerk, Village Trustees, Planning and Zoning Chairman, Finance Director and Chief of Police.*

**5. Village President’s Report**

**A. MS4 Program and Reporting Presentation**

Michael Warner from Gewalt Hamilton presented the annual report to improve water quality which is needed to meet IEPA reporting requirements. The MS4 permit occurs on a 5-years cycle and requires a new adoption of the Stormwater Management Plan.

**6. Village Administrator’s Report**

*There is none.*

**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:*

<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>Absent</i>
<b><i>Motion Carried</i></b>	

**A. Strategic Planning Team Reports**

*Mayor asked for comments and there were none.*

**11. New Business**

**A. Resolution 2021-R-17: A Resolution Authorizing Change Order No. 2 on the Nippersink Blvd Reconstruction Project**

*Change order for a back pitch storm sewer by the Village Bakery. The cost of the sewer is \$11K, which was in the budget. However, flaggers are needed at the railroad crossing and that will cost an additional \$2,500.*

**B. Resolution 2021-R-24: A Resolution Approving Work Order No. W067 with Trotter & Associates, Inc. For Engineering Services for the 2021 Sanitary Sewer Lining Program**

*This is for lining 4,400 linear feet by Dollar General and Lakefront Park. Cost is \$13,100.*

**C. Resolution 2021-R-26: A Resolution Authorizing the Execution of a Settlement Agreement and Release with Joel Kennedy Construction Corp. Relating to the Fox Lake Interconnect Project**

*Jim Ferolo spoke about this resolution. This relates to a pending lawsuit of four change orders that occurred during Phase 1 of the Interconnect Project. This resolution authorized payment of \$300K to close out those change orders.*

**D. Resolution 2021-R-27: A Resolution Authorizing the Execution of Change Orders No. 7 and No. 8 on the Fox Lake Interconnect Project**

*This resolution is related to C above. These are change order documents stating the contractor will provide all documentation. In addition, there is \$154K due in retainage, bringing the total pay out to \$454K.*

**E. Resolution 2021-R-28: A Resolution Authorizing the Mayor to Sign a Contract for Easement and Accept an Easement Grant Related to Installation of a Sidewalk Along the West Side of U.S. Route 12 from Kings Island Road to Grand Avenue**

*This is for the Watts property sidewalk. There is an agreement to pave the aprons as a settlement for the easement.*

**F. Ordinance 2021-10: An Ordinance Amending the Intergovernmental Agreement Establishing the Solid Waste Agency of Lake County, Illinois**

*All local communities participate in this agreement. Trustee Konwent is the Fox Lake representative and Mayor Schmit is the alternate.*

**G. Ordinance 2021-11: An Ordinance Transferring a Special Use to Operate a Self-Storage Facility and Outdoor Storage of Motor Vehicles at the Property at 1258 S. Route 12, Fox Lake, Illinois, to ESS Storage Acquisition Forty Eight, LLC**

*The special use permit was established in 2018. In 2019, the Board approved the transfer of the special use permit to Fox Lake Storage, LLC. There is a new buyer. Staff is suggesting approval of a 6-foot fence and all storage kept within the building. By allowing transfer, the special use will renew for another year. This applies to Extra Space Storage only, not the outdoor space. This Ordinance will be removed from the Consent Agenda for further adjustments. It will come before the Board again at the next meeting.*

**H. Ordinance 2021-12: An Ordinance Amending the Zoning Ordinance of The Village of Fox Lake, Illinois, by Granting Variations to Lorenzo Martinez at 4 Washington Street, Fox Lake, Illinois**

*This was discussed at the last Board Meeting. The road will be further from the building, not closer. They also agreed to plant trees.*

**I. A Motion to Direct the Petitioners, Gregory Fry & Ellen Allen, to Work with Village Staff to Complete Preliminary & Final Approval Processes as Required by the Zoning Ordinance, for the Plan Generally Consistent with the Conceptual Site Plan Dated 2/12/21 and then Re-Appear Before the P&Z Commission and Village Board for Consideration of Preliminary and Final Approvals of the Planned Unit Development**

*This is for 10 units and 19 stall parking.*

**12. Old Business**

*There is none.*

**13. Motion to Adjourn from Committee of the Whole and Reconvene Village Board Meeting**

*Trustee Konwent made a motion to adjourn from Committee of the Whole and reconvene Village Board Meeting, seconded by Trustee Jensen. 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>Absent</i>
<b><i>Motion Carried</i></b>	

**14. Items to be Removed from Consent Agenda**

Ordinance B-2: An Ordinance Transferring a Special Use to Operate a Self-Storage Facility and Outdoor Storage of Motor Vehicles at the Property at 1258 S. Route 12, Fox Lake, Illinois, to ESS Storage Acquisition Forty Eight, LLC

Trustee Stochl removed item B-3: An Ordinance Amending the Zoning Ordinance of The Village of Fox Lake, Illinois, by Granting Variations to Lorenzo Martinez at 4 Washington Street, Fox Lake, Illinois

**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 2021-R-17: A Resolution Authorizing Change Order No. 2 on the Nippersink Blvd Reconstruction Project
2. Resolution 2021-R-24: A Resolution Approving Work Order No. W067 with Trotter & Associates, Inc. For Engineering Services for the 2021 Sanitary Sewer Lining Program
3. Resolution 2021-R-28: A Resolution Authorizing the Mayor to Sign a Contract for Easement and Accept an Easement Grant Related to Installation of a Sidewalk Along the West Side of U.S. Route 12 from Kings Island Road to Grand Avenue
4. Resolution 2021-R-22: A Resolution Authorizing the Mayor to Sign an Amendment to Contract for Easement for the Trinski Easement Related to Phase I of the Interconnect Sewer and Water Improvements

**B. Ordinances**

1. Ordinance 2021-05: An Ordinance Amending the Intergovernmental Agreement Establishing the Solid Waste Agency of Lake County, Illinois

**C. Motions**

1. A Motion to Direct the Petitioners, Gregory Fry & Ellen Allen, to Work with Village Staff to Complete Preliminary & Final Approval Processes as Required by the Zoning Ordinance, for the Plan Generally Consistent with the Conceptual Site Plan Dated 2/12/21 and then Re-Appear Before the P&Z Commission and Village Board for Consideration of Preliminary and Final Approvals of the Planned Unit Development

*Trustee Jensen made a **motion** to move that items, Resolutions A 1-3, Ordinances B 1, 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>Absent</i>
<b><i>Motion Carried</i></b>	

*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>Absent</i>
<b><i>Motion Carried</i></b>	

**16. Resolution 2021-R-26: A Resolution Authorizing the Execution of a Settlement Agreement and Release with Joel Kennedy Construction Corp. Relating to the Fox Lake Interconnect Project**

*Trustee Jensen made a motion to authorize the execution of a Settlement Agreement and Release with Joel Kennedy Construction Corp. relating to the Fox Lake Interconnect Project, 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>Absent</i>
<b><i>Motion Carried</i></b>	

**17. Resolution 2021-R-27: A Resolution Authorizing the Execution of Change Orders No. 7 and No. 8 on the Fox Lake Interconnect Project**

*Trustee Stochl made a motion to authorize the execution of Change Orders No.7 and No.8 on the Fox Lake Interconnect Project, 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>Absent</i>
<b><i>Motion Carried</i></b>	

**18. Approval of Exceptions**

Ordinance B-3: An Ordinance Amending the Zoning Ordinance of The Village of Fox Lake, Illinois, by Granting Variations to Lorenzo Martinez at 4 Washington Street, Fox Lake, Illinois

*Trustee Jensen made a motion to amend the Zoning Ordinance of the Village of Fox Lake, Illinois, by Granting Variations to Lorenzo Martinez at 4 Washington Street, Fox Lake, Illinois, seconded by Trustee Konwent.*

*A roll call vote was taken as follows:*

<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>No</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>Absent</i>
<b><i>Motion Carried</i></b>	

**19. For the Good of the Order**

*Trustee Marr asked if there is someone watering the new trees that were planted. Kealan said there are tubes installed to water the trees.*

**20. Audience Comments**

*The resident of 41 Riverview said his neighbor at 43 Riverview has a retaining wall that has collapsed three times. The wall is in disarray. Sand and dirt are coming onto his property. There is currently a tarp on the wall and it is an eye sore. Code enforcement says this is not acceptable. His attorney has been in contact with Village staff. Mayor said someone will be in contact by the end of the week.*

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

*Mayor Schmit opened the Hearing.  
The Special Use Hearing will continue to the Village Board Meeting on June 8, 2021. The 13<sup>th</sup> Supplemental Findings shall remain in effect.*

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

*Mayor asked for comment and there was none.  
Mayor Schmit closed the Hearing.*

**23. Executive Session**

*Trustee Jensen made a **motion** to retire into Executive Session at 7:26pm, for discussion on the Reconvened Hearing Regarding the Special Use Permit for the Property Located at 100 S. Route 12, Fox Lake, Illinois; Pending Litigation; Land Acquisition and Collective Bargaining, to include Mayor Schmit, Howard Teegen, Chief Lee, Kealan Noonan and Laura Linehan, 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>Absent</i>
<b><i>Motion Carried</i></b>	

**21. Adjournment (made from Executive Session)**

*Trustee Stochl made a **motion** to adjourn the meeting at 8:29pm, 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>Absent</i>
<b><i>Motion Carried</i></b>	

**Meeting was adjourned at 8:29P.M.**



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Amy Driscoll, Village Clerk