

**Legal Proceedings of the City of Fox Lake
Common Council
January 2, 2019**

The monthly meeting of the City of Fox Lake Common Council was held on Wednesday, January 2, 2019, at 6:30 p.m., in the Council Chambers. The meeting was called to order by Mayor Tom Bednarek and was followed by the pledge of allegiance. Roll call was taken with alderpersons John Mund, Dennis Linke, Peter Hartzheim, Robert Jenswold and Don Zilewicz present. Absent: Dan Ault. Also attending were city administrator Dean Perlick, city clerk Susan Hollnagel and police Chief Jim Rohr.

In the audience were Carl and Kathy Huizenga.

The clerk certified open meeting laws have been complied with.

Approve minutes

Motion by Linke, seconded by Mund to approve the minutes of the December 5 and 19, 2018 council meetings, as typewritten. Vote in favor: Mund, Linke, Hartzheim, Jenswold, and Zilewicz. Motion carried.

Public comments-agenda items

Motion by Linke, seconded by Mund to open the meeting to public comments on agenda items. Vote in favor: Linke, Hartzheim, Jenswold, Zilewicz and Mund. Motion carried. No comments were made.

Public comments-other matters

Motion by Mund, seconded by Linke to open the meeting to public comments on other matters. Motion carried with a voice vote.

Appearing before the Council were Carl and Kathy Huizenga, asking what was happening with the vacation of E. Cherry Street. The Mayor said the last time he heard, you were to get signatures from your neighbors approving the vacation. Kathy said they had gotten them. Perlick said he thought they were to get signatures of all the residents on E. Cherry Street. Kathy asked who do we need to get. Perlick said the city attorney had received a letter from your attorney, who suggested the city go in a different direction to vacate the street, which the city attorney said the city would not do. Mund said if the property to the east of Huizenga's was developed, they would want a walkway to get to Booth Street. The Mayor asked Perlick to get a copy of the city attorney's letter to Carl and Kathy and touch base with the city attorney. Perlick couldn't recall how far they had to go to get signatures. Kathy said if they want a bike path or walking path, they could line their side with trees. The Mayor said Perlick would get them a copy of the city attorney's letter.

Dollar General-Grand Opening

The Mayor said the Dollar General Grand Opening had been moved from 11:00 a.m. to 8:00 a.m., on Saturday, January 5. He said the public is invited to attend.

Consent agenda

Motion by Mund, seconded by Linke to approve the consent agenda, as listed below:

- a. pay the bills, as audited, for accounts payable-check #39000 through #39093 totaling \$166,547.42 (including ACH withdrawals) and payroll checks #36 through #2018988 (includes Fire Dept and Fire Assoc payroll), totaling \$107,463.71. Vote in favor: Hartzheim, Jenswold, Zilewicz, Mund and Linke. Motion carried.

RDA resignation

Motion by Mund, seconded by Zilewicz to accept the resignation of Kevin Vande Zande, from the Redevelopment Authority, effective December 31, 2018. Vote in favor: Jenswold, Zilewicz, Mund, Linke and Hartzheim. Motion carried.

RDA apppointment

Motion by Zilewicz, seconded by Linke to approve the Mayor's appointment of Sandra Quirk to the Redevelopment Authority, to complete the unexpired term of Kevin Vande Zande, expiring April, 2019. Vote in favor. Zilewicz, Mund, Linke, Hartzheim and Jenswold. Motion carried.

Council wages

Motion by Mund, seconded by Zilewicz to table increasing the monthly wages, to \$350.00, for those alderpersons elected April 2, 2019. Vote in favor: Mund, Zilewicz, Hartzheim, Jenswold, and Zilewicz. Motion carried. The city attorney sent a memo stating any aldermanic or mayoral wage changes can only be done prior to the first day nominations papers for an office could be filed.

Wells Street PR #4 (final) Kopplin & Kinas

Motion by Mund, seconded by Linke to approve pay request #4 (final), in the amount of \$1,000-, from Kopplin & Kinas Co., Inc., for their work efforts on the Wells Street reconstruction project. Vote in favor: Linke, Hartzheim, Jenswold, Zilewicz, and Mund. Motion carried.

Forgive personal property taxes

Motion by Mund, seconded by Jenswold to forgive the personal property taxes of Shawn Johnson, dba Twisted Iron Custom Cycles, for 2015, 2016, 2017, and 2018, totaling \$1,166.81. Perlick stated he talked with Grota Appraisal, the city's assessor and they did not have any direct contact with Johnson until October 2018. Grota said that was their first contact with him. Grota said they send a form, each year, to be filled out by the property owner regarding personal property and on the form there is a space to mark for "storage only." Grota said they sent Johnson a letter asking him to send back the form. Perlick said Grota keeps a record of all contacts that are made on each property. The Mayor said Rohr brought up a good point that Johnson was in business in 2015. Mund suggested forgiving a portion of the tax. Rohr pointed out it falls back on Johnson, as he didn't file the required forms that could have stopped the personal property tax. Zilewicz said Johnson didn't fill out the required forms and he didn't see any reason to forgive the taxes. The clerk suggested forgiving just the city's portion of the personal property tax, as the other taxes, from previous years, have been settled. Mund said he would go with the clerk's suggestion and just do the city's portion. Jenswold and Linke said they agreed with Mund. Mund withdrew his motion and Jenswold withdrew his second. Motion by Mund, seconded by Jenswold to forgive only the city's portion of the 2015, 2016, 2017 and 2018 personal property tax and the interest on the unpaid portion. Vote in favor: Hartzheim, Jenswold, Mund, and Linke. Against: Zilewicz. Motion carried.

Dollar General cigarette license

Motion by Jenswold, seconded by Mund to grant a cigarette and tobacco products retail license to DOLGENCORP, LLC, dba Dollar General Store #19998, at 733 W. State Street, for the period ending June 30, 2019. Vote in favor: Jenswold, Zilewicz, Mund, Linke and Hartzheim. Motion carried.

Hire custodian

Motion by Mund, seconded by Jenswold to hire Jessica Selken to fill the open custodian position, for the municipal building and library, at \$12.50 per hour, for a total of 5-10 hours per week. The Mayor said pending a clear drug test. Vote in favor: Zilewicz, Mund, Linke, Hartzheim and Jenswold. Motion carried.

With no other business to come before the Council, motion by Zilewicz, seconded by Jenswold to adjourn. Motion carried with a voice vote. Meeting adjourned at 6:50 p.m.

