

Legal Proceedings of the City of Fox Lake
Common Council
April 3, 2019

The monthly meeting of the City of Fox Lake Common Council we held on Wednesday, April 3, 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, Dan Ault, Dennis Linke, Peter Hartzheim and Robert Jenswold. Absent: Don Zilewicz. Also attending were city administrator Dean Perlick, chief of police Jim Rohr and clerk Susan Hollnagel.

In the audience were Kathy Jenswold, Tim Nehls, Gerry Heuer and Ken Thomas of the Daily Citizen.

The clerk certified open meetings laws have been complied with.

Approve minutes

Motion by Linke, seconded by Hartzheim to approve the minutes to the March 6 and 20, 2019 council meetings, as typewritten. Motion carried with a voice vote.

Public comments-agenda items

Motion by Mund, seconded by Hartzheim to open the meeting to public comments on agenda items. Motion carried with a voice vote. No comments were made.

Public comments-other matters

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

Appearing before the Council was Jerry Heuer, stating he has done some headstone restoration work in the city cemetery, such as resetting or cleaning headstones. He said he has been doing it for three years and would like permission to reset stones, when requested, in the city's cemetery. He said he uses a 750 garden tractor and a dump truck. The Mayor asked if he has insurance? Heuer said if the city would like some of the old stones done, they would have to point out which ones he should do. He said he uses Wet and Forget, which gets the moss off the stone. Hartzheim asked what he did with sandstone headstones. Heuer said he uses an epoxy glue to put them back together. The consensus of the Council was they didn't see a problem but asked him to let the city clerk know when he was down at the cemetery.

Open public hearing-Dollar General Class A liquor license

Motion by Ault, seconded by Mund to open the public hearing on the Class A intoxicating liquor license application of Dolgencorp, LLC, DBA Dollar General, at 733 W. State Street, for the period ending June 30, 2019. Vote in favor: Mund, Ault, Linke, Hartzheim and Jenswold. Motion carried. Public hearing opened at 6:40 p.m.

Appearing during the public hearing was Tim Nehls, to state his opposition to granting a liquor license to Dollar General. He pointed out there are 3 stores, within about a block of each other, who already sell liquor. He said he contacted 7 Dollar General stores and none of them sell liquor. He said the city doesn't need 4 businesses in a row with liquor licenses. The Mayor thanked Nehls for his input. The public hearing will remain open while other business is covered.

Consent agenda

Motion by Hartzheim, seconded by Jenswold to approve the consent agenda, as listed below:

- a. pay the bills, as audited, for accounts payable-check #39283 though #39381 totaling \$160,105.80 (including ACH withdrawals) and payroll checks #58975 through #59026 totaling \$44,970.16.

- b. waive the Community Center rental fee for the SAGES Foundation fundraiser on April 15, 2019.
- c. grant a picnic license to SAGES Foundation, for their April 15, 2019 fundraiser, at the Community Center.

Vote in favor: Ault, Linke, Hartzheim, Jenswold and Mund. Motion carried.

Agreement with police union

Motion by Hartzheim, seconded by Jenswold to approve and authorize the Mayor to sign the 2019-2021 agreement between the City of Fox Lake and the Fox Lake Police Association, Local 326. Perlick said Alderperson Zilewicz, who is unable to attend tonight, had concerns about the excessive amount of vacation hours this contract would give and wanted to check what other municipalities have. Rohr said the officers work 48 hours one week and 32 hours the next week, 80 hours in a two week period. Mund said he feels the vacation time should be the same as what the other city employees receive. Hartzheim withdrew his motion, and Jenswold withdrew his second. Motion by Linke, seconded by Mund to table action on the agreement and send it back to committee meeting. Vote in favor: Linke, Hartzheim, Jenswold, Mund and Linke. Motion carried.

Personnel Policy Manual changes

Motion by Hartzheim, seconded by Jenswold to amend the City of Fox Lake Personnel Policy Manual to reflect changes to vacation time, carryover vacation hours and earning of sick leave, as listed in exhibit A. Perlick said the changes to the existing personnel policy manual and applies to everyone. He said #1, in exhibit A, refers to the police agreement, which was not approved in the prior motion. He said the changes would convert vacation time from days to hours, allow 40 hours of vacation time to be carried over and convert sick time from days to hours. Motion by Hartzheim, seconded by Jenswold to amend the City of Fox Lake Personnel Policy Manual to reflect changes to vacation time, carryover vacation hours and earning of sick leave, as listed in #2, #3 and #4, in exhibit A. Vote in favor: Hartzheim, Jenswold, Mund, Ault, and Linke. Motion carried.

Resolution 1-2019 DETF health insurance

Motion by Mund, seconded by Ault to adopt resolution 1-2019, a resolution for “an existing employer update resolution for the Wisconsin Public Employers’ Group Health Insurance Program,” as required by the Department of Employee Trust Funds. Vote in favor: Jenswold, Mund, Ault, Linke and Hartzheim. Motion carried.

Intergovernmental agreement for dam operation personnel

Motion by Mund, seconded by Linke to approve and authorize the Mayor and council president to sign the “intergovernmental cooperation agreement regarding dam operation personnel,” with the Town of Fox Lake. Vote in favor: Mund, Ault, Linke, Hartzheim, and Jenswold. Motion carried.

Amended Advanced Disposal contract , to May 31, 2024

Motion by Mund, seconded by Hartzheim to authorize the Mayor to sign the “addendum to the agreement for residential solid waste collection services” with Advanced Disposal, which will extend the contract two years, to May 31, 2024 and provide dumpsters for the pickup of trash at the municipal building, city garage, aquatic center at no charge and trash pick up at the water/sewer utilities at \$100.00 a month. Vote in favor: Ault, Linke, Hartzheim, Jenswold and Mund. Motion carried.

Operator licenses

Motion by Mund, seconded by Hartzheim to grant operator licenses to Jennifer Doe, Holly Jones, Ryan Mowles and Sierra Sims for the period ending June 30, 2019. Vote in favor: Linke, Hartzheim, Jenswold, Mund and Ault. Motion carried.

Operator license

Motion by Mund, seconded by Jenswold to grant an operator's license to Caroline Hill, for the period ending June 30, 2019. Rohr said Hill has a felony conviction and that it has been his policy to deny any applicant who has a felony conviction. He said it is not statutorily required to deny the application but the council has only approved one application that had a felony and that was a number of years ago. Rohr said he would defer to the Council on whether to grant or deny the license. He said Hill's felony was for forgery. Mund withdrew his motion and Jenswold withdrew his second. Motion by Mund, seconded by Jenswold to deny an operator's license to Caroline Hill, for the period ending June 30, 2019. Vote in favor: Hartzheim, Jenswold, Mund, Ault and Linke. Motion carried.

Close public hearing on Class A application of Dollar General

Motion by Linke, seconded by Hartzheim to close the public hearing on the Class A intoxicating liquor license application for Dolgencorp, LLC, DBA Dollar General, at 733 W. State Street, for the period ending June 30, 2019. Vote in favor: Jenswold, Mund, Ault, Linke and Hartzheim. Motion carried. Public hearing close at 6:57 p.m.

Motion by Hartzheim, seconded by Mund to deny the Class A intoxicating liquor license to Dolgencorp, LLC, DBA Dollar General, 733 W. State Street, for the period ending June 30, 2019. Vote in favor: Mund, Ault, Linke, Hartzheim and Jenswold. Motion carried. Application denied. The Mayor said an article in "The Municipality," which said too many licenses in one area can increased problems in the city. He said that would apply here, where there are four businesses in a row selling beer and liquor.

With no other business to come before the Council, motion by Ault, seconded by Mund to adjourn. Motion carried with a voice vote. Meeting adjourned at 7:03 p.m.