

**Legal Proceedings of the City of Fox Lake
Common Council
June 2, 2021**

The regular meeting of the City of Fox Lake Common Council was held on Wednesday, June 2, 2021, at 6:30 p.m., in the community center. The meeting was called to order by Mayor Tom Bednarek and followed by the pledge of allegiance. Roll call was taken with alderpersons Marcy Benz, John Mund, Peter Hartzheim, Dennis Linke and Don Zilewicz present. Dan Ault was absent. Also attending were City Administrator Dean Perlick, Police Chief James Rohr and City Clerk Jenny Quirk.

In the audience were Dennis Loper, Tim Nehls and Sarah Kress.

The clerk certified open meeting laws have been complied with.

Public comments:

Tim Nehls had asked if there would be a donations request letter sent out for the fire works this year? The Mayor stated the money had been figured in the budget this year.

Zilewicz asked to discuss the email that he had received from a property owner on Casey St. regarding their complaint of the neighbor's chicken coop placement. Zilewicz stated his concerns about having a coop located on the side yard and how it appears for the neighbors. Mayor explained with the new construction that will be taking place soon that coop will end up being in the back side of the garage stalls being built on the next lot vs in the back yard then facing the back yards of the residential condos being constructed. Perlick noted that the purpose of amending the chicken ordinance is to allow the council the ability to review individual situations to decide what is the best option. The Chief also shared that there is a special needs child in the house who cares for the chickens as part of their regular routine.

Approve minutes:

Motion by Linke, seconded by Mund to approve the minutes of the May 5, 2021 common council meeting, as typewritten. Motion carried with a voice vote.

Open public hearing on Class A and Class B licenses:

Motion by Mund, seconded by Hartzheim at 6:42 pm to open the public hearing on the Class A and Class B intoxicating liquor and fermented malt beverage license applications, for the period ending June 30, 2022. Motion carried with a voice vote.

Tim Nehls addressed the council and asked them to consider denying the renewal for Erik Wollert's liquor license due to past due rent and bills. The Mayor stated after having the city attorney look further into this and also consulting the state licensing agent there is little the city can do at this point. Quirk read from the statutes the permissible reasons the council can deny a renewal and stated that Wollert was currently not in violation of any of those statutes.

Open public hearing on amending the Chicken ordinance 197-24:

Motion by Linke, seconded by Mund at 6: 42 pm to open the public hearing on amending the Chicken ordinance 197-24. Motion carried with a voice vote.

Consent Agenda:

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

- a. Paying the bills, as audited, for accounts payable check #41828 through #41910, totaling \$325,151.41 (including ACH withdrawals) and for payroll checks #60239 through #60285, totally \$40,246.64.
- b. Grant cigarette and tobacco product retail licenses to: Dollar General Store #19998, Fish Tales Bait and liquor LLC, Kwik Trip 367, and Snapper's Sports Bar, for the period ending June 30, 2022.

Vote in favor: Hartzheim, Linke, Mund and Zilewicz. Benz abstained. Motion carried.

Close public hearing on Class A and Class B licenses:

Motion by Linke, seconded by Hartzheim at 7:00 pm to close the public hearing on Class A and Class B intoxicating liquor and fermented malt beverage license applications. Motion carried with a voice vote.

Approval of Class A and B licenses:

Motion by Mund, seconded by Zilewicz to grant the following licenses for the period ending June 30, 2022:

- a. Class A retailer's license for the sale of fermented malt beverage to: Dollar General Store #19998, Imran Khan agent. Vote in favor: Hartzheim, Linke, Mund, Zilewicz and Benz. Motion carried.
- b. Class A retailer's license for the sale of fermented malt beverage and intoxicating liquor to: Fish Tales Bait & Liquor, LLC Timothy Nehls agent. Vote in favor: Linke, Mund, Zilewicz, Benz and Hartzheim. Motion carried.
- c. Class A retailer's license for the sale of fermented malt beverage and intoxicating liquor to: Kwik Trip Inc. Dawn Lewandowski agent. Vote in favor: Mund, Zilewicz, Benz, Hartzheim and Linke. Motion carried.
- d. Class B retailer's license for the sale of fermented malt beverage and intoxicating liquor to: Benz Group LLC, Marcy Benz agent. Vote in favor: Zilewicz, Hartzheim, Linke and Mund. Benz abstained. Motion carried.
- e. Class B retailer's license for the sale of fermented malt beverage and intoxicating liquor to: Copper Tap LLC, Chris Merkes agent. Vote in favor: Benz, Hartzheim, Linke, Mund and Zilewicz. Motion carried.
- f. Class B retailer's license for the sale of fermented malt beverage and intoxicating liquor to: Leroy Meats of Horicon Inc. Steve Christian agent. Vote in favor: Hartzheim, Linke, Mund, Zilewicz and Benz. Motion carried.
- g. Class B retailer's license for the sale of fermented malt beverage and intoxicating liquor to: Marci's on Main LLC, Laurie Mylrea agent. Vote in favor: Linke, Mund, Zilewicz, Benz and Hartzheim. Motion carried.
- h. Class B retailer's license for the sale of fermented malt beverage and intoxicating liquor to: Robert W. Ginther Post 521 of the American Legion Dept of WI, Donald Zilewicz agent. Vote in favor: Mund, Benz, Hartzheim and Linke. Zilewicz abstained. Motion carried.
- i. Class B retailer's license for the sale of fermented malt beverage and intoxicating liquor to: Jeff Tappy. Vote in favor: Zilewicz, Benz, Hartzheim, Linke and Mund. Motion carried.
- j. Class B retailer's license for the sale of fermented malt beverage and intoxicating liquor to: Erik Wollert. Vote in favor: Benz, Mund and Zilewicz. Opposed: Hartzheim and Linke. Motion carried.
- k. Class B retailer's license for the sale of fermented malt beverage and intoxicating liquor to: James Zindars. Vote in favor: Hartzheim, Linke, Mund, Zilewicz and Benz. Motion carried.

Picnic license for the Fox Lake Community Fire Dept Car Show and Picnic:

Motion by Benz, seconded by Mund to grant a Temporary Class B Picnic license to sell fermented malt beverages for the Fox Lake Community Fire Dept Car Show and Picnic at the Fox Lake Fireman's Park on July 24, 2021. Motion carried with a voice vote.

Close public hearing on amending the Chicken ordinance 197-24:

Motion by Mund, seconded by Linke at 7:07 pm to close the public hearing on amending the Chicken ordinance 197-24. Motion carried with a voice vote.

Amended Chicken ordinance 197-24:

Motion by Mund, seconded by Linke to approve the amended chicken ordinance 197-24. Vote in favor: Linke, Mund, Zilewicz, Benz and Hartzheim. Motion carried.

Chicken application:

Motion by Hartzheim, seconded by Zilewicz to approve the application for the keeping or maintaining of chickens for Marcy Benz at 111 Mill Street. Motion carried with a voice vote.

Use of Little League Diamond as a permanent dog park:

Motion by Mund, seconded by Benz to approve the use of the little league baseball diamond as a permanent dog park. Vote in favor: Mund, Zilewicz, Benz, Hartzheim and Linke. Motion carried.

Park rental rates and deposits:

Motion by Mund, seconded by Linke to approve the following amended park rental and deposit rates:

- a. Fireman’s Park concession stand with pavilion to be \$100 deposit and a daily rental fee of \$50 resident or \$60 non-resident per day.
- b. Fireman’s Park Restrooms to be open to the public and security deposit to be \$0.
- c. Clausen Park concession stand with pavilion to be \$100 deposit and a daily rental fee of \$50 resident or \$60 non-resident per day.

Vote in favor: Zilewicz, Benz, Hartzheim, Linke and Mund. Motion carried.

Fox Lake Utilities Billing Policies and Procedures:

Motion by Mund, seconded by Benz to amend the Fox Lake Utilities Billing Policies and Procedures Manual Section 5 B to read, “.. a disconnect notice is not sent if the account balance is under \$85.00.” Motion carried by a voice vote.

With no other business to come before the Council, motion by Mund, seconded by Benz to adjourn. Motion carried with a voice vote. Meeting adjourned at 7:24 p.m.