

**Legal Proceedings of the City of Fox Lake
Common Council
January 3, 2018**

The regular meeting of the City of Fox Lake Common Council was held on Wednesday, January 3, 2018, at 6:30 p.m., in the Council Chambers. In the absence of Mayor Bednarek, the meeting was called to order by Council President John Mund and was followed by the pledge of allegiance. Roll call was taken with alderpersons Dan Ault, Dennis Linke, Peter Hartzheim, Robert Jenswold and Tom Jahnke present. Also attending were city clerk Susan Hollnagel and police chief Jim Rohr.

In the audience were Richard Quirk and Jim Behling.

The clerk certified open meeting laws have been complied with.

Approve minutes

Motion by Jahnke, seconded by Hartzheim to approve the minutes of the December 6, 2017 council meeting, as typewritten. Motion carried with a voice vote.

Public comments – agenda items

Motion by Linke, seconded by Hartzheim to open the meeting to public comments on agenda items. Motion carried with a voice vote.

Appearing before the Council was Jim Behling, regarding the vacation of the 300 block of E. Cherry Street. Behling said E. Cherry Street runs right into his property and he is concerned if the street is vacated, that any future development of the property would not have any street access. Rohr said Behling's property goes along E. Cordelia Street and he would have access there. Jenswold asked if all of his property is in the city. He stated it was. Jenswold asked Behling if he bought the property for future investment. Behling said yes, but that he's looking out 10 to 15 years down the road. He said if the city vacates that block now, it may come back later on and bite us. Mund suggested tabling this and discuss it at the committee of the whole. Mund asked Behling to be here for the committee meeting.

Public comments – other matters

Motion by Jahnke, seconded by Hartzheim to open the meeting to public comments on other matters. Vote in favor: Ault, Linke, Hartzheim, Jenswold and Jahnke. Motion carried. No comments were made.

Consent agenda

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

- a. pay the bills as audited, for accounts payable-check #37741 through #37865, totaling \$372,337.65 (including ACH withdrawals) and payroll checks #58338 through #2017135 totaling \$100,442.11.

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

Community recreation savings account

Motion by Linke, seconded by Jahnke to approve opening a savings account, at Farmers State Bank, for the purpose of accepting donations for community recreation. Vote in favor: Hartzheim, Jenswold, Jahnke, Ault and Linke. Motion carried.

Ordinance #1-2018 annexation of real estate

Motion by Linke, seconded by Jahnke to adopt ordinance #1-2018, “an ordinance to annex real estate located in the Town of Fox Lake to City of Fox Lake.” (Mill Road) Vote in favor: Jenswold, Jahnke, Ault, Linke, and Hartzheim. Motion carried.

Auditor engagement letter – single audit

Motion by Jenswold, seconded by Jahnke to approve the auditor engagement letter proposal from Baker Tilly, for a single audit. Vote in favor: Jahnke, Ault, Linke, Hartzheim and Jenswold. Motion carried.

Change Order #2 Mill Road project

Motion by Jahnke, seconded by Ault to approve and authorize the Mayor to sign change order #2, which includes an extension of time for the final completion date for the installation and verification of topsoil and grass lawn restoration work in the spring of 2018, for the Mill Road reconstruction project. Vote in favor: Ault, Linke, Hartzheim Jenswold and Jahnke. Motion carried.

Pay Request #5 –Third Street project Krause Excavating Inc.

Motion by Jenswold, seconded by Hartzheim to approve final pay request #5, from Krause Excavating Inc., in the amount of \$19,398.28, for work efforts on the Third Street reconstruction project. Hartzheim said he is concerned what happens if the grass doesn't grow next spring, with no retainage, who's going to pay for it. Linke said he was concerned about that also. Ault said there were some areas with problems but we haven't heard anything since fall. Hartzheim said the house on the corner cut the new grass real short while other let it grow long. He said he doesn't want our city guys to have to reseed/repair the grass. Jenswold withdrew his motion and Hartzheim with his second. Motion by Jenswold, seconded by Hartzheim to table payment to Krause Excavating and have it go to the committee meeting. Rohr asked what amount you would withhold. Hartzheim said \$3,000 to \$4,000 would be sufficient. Vote in favor: Linke, Hartzheim, Jenswold, Jahnke and Ault. Motion carried.

First reading of lock box ordinance

The clerk read the first reading of “an ordinance to create a lock box ordinance.” The second reading and public hearing will be at the February 7, 2018 council meeting.

Vacation of 300 block of E. Cherry Street

Motion by Linke, seconded by Ault to table approving the beginning steps to vacate the 300 block of E. Cherry Street. Vote in favor: Hartzheim, Jenswold, Jahnke, Ault and Linke. Motion carried to table.

Motion by Jahnke, seconded by Linke to adjourn. Vote in favor: Jenswold, Jahnke, Ault, Linke and Hartzheim. Motion carried. Meeting adjourned at 6:52.p.m.