

**VILLAGE OF JOHNSBURG
FEBRUARY 16, 2021 REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:02 p.m. in the Village Hall.

Attendees

Trustee Tom Curry
Trustee Beth Foreman
Trustee Josh Hagen
Trustee Greg Klemstein
Trustee Kyle Frost
Trustee Kevin McEvoy (absent)
Village Engineer Tim Hartnett
Assistant Administrator Vinny Lamontagna
Police Chief Keith VonAllmen
Village Attorney Michael Smoron
Special Projects Coordinator Rick Quinn

OMNIBUS AGENDA – Trustee Curry moved to approve the Omnibus Agenda. Trustee Hagen seconded the motion. All Trustees present voted aye on the roll. Motion carried.

- Move to approve the minutes of the February 2, 2021 Regular Meeting of the President and Board of Trustees
- **DISBURSEMENTS**
- General Fund \$114,979.27
- MFT
- Waterworks & Sewage Fund 6,976.61
- Land and Building 3,698.73
- Golf Course Fund 113.92
- Total All Funds \$125,768.53

PUBLIC HEARING - SSA 33 – President Hettermann called the hearing to order at 7:01 p.m. and read the following statement:

Good evening, ladies and gentlemen. This hearing will come to order. Let the record reflect that this is a public hearing being held pursuant to the requirements of Sections 25, 30, 35, and 45 of the Special Service Area Tax Law of the State of Illinois, as amended. Notice of this hearing was published on January 21, 2021. In addition, notice by mailing was given by depositing the notice in the United States mail on January 19, 2021, addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each property lying within the Area.

This is a hearing regarding the creation and boundaries of a special service area within the Village to be designated “Special Service Area Number 33”, a plan to issue not to exceed \$1,200,000 in aggregate principal amount of the Village’s “Village of Johnsburg, McHenry County, Illinois Special Service Area Number 33 Special Tax Bonds,” hereinafter referred to as the Bonds, and the levy of taxes affecting said area. The Proceeds of the Bonds will be used to finance costs of providing special services to benefit the proposed Special Service Area Number

33, which will include the improvement, installation and reconstruction of approximately 3450 lineal feet of road consisting of an aggregate base course and asphalt binder and surface for the road commonly known as Sunnyside Beach Drive in May's, Elam's Four Mile Water, Thelen's Lake View, and Sunnyside Beach subdivisions; related drainage improvements, storm water infrastructure, acquisition right of way and temporary and permanent easements (if required), engineering, surveying, construction observation, soil testing and appurtenant work, mass grading and demolition, site clearing and tree removal, final restoration and the labor, equipment and materials necessary for the construction and maintenance thereof, and other associated costs including those of consultants; and any other eligible costs under the Special Service Area Tax Law. The proposed special services are for new construction.

The Bonds will be issued by the Village in accordance with the provisions of Section 45 of the Special Service Area Tax Law of the State of Illinois, as amended. The Bonds shall constitute limited obligations of the Village, payable from the special taxes to be levied on all taxable real property within the proposed Special Service Area Number 33. The Bonds shall not constitute a general obligation of the Village, and neither the full faith and credit nor the unlimited taxing power of the Village shall be pledged as security for payment of the Bonds.

This public hearing is required by Sections 25, 30, 35, and 45 of the Special Service Area Tax Law of the State of Illinois, as amended. Any interested person, including all persons owning taxable property located within the proposed Special Service Area Number 33, may file with the municipal clerk written objections to and may be heard orally with respect to the creation and boundaries of the proposed Special Service Area Number 33, the plan to issue the Bonds and the levy of taxes affecting said area.

President Hettermann questioned if anyone wished to submit written comments. No written comments, objections or protests were submitted. President Hettermann questioned if anyone wished to make verbal comments. The following comments were made by persons in attendance via Zoom:

Gary Freireich of 1809 Sunnyside Beach Drive questioned why the McHenry Township Fire Protection District and Village properties are not participating in the SSA. President Hettermann explained that the Fire District accesses it's property from Johnsbury Road and the Village's property is vacant but would take access from Johnsbury Road or Church Street in the future. He added that only improved properties taking access from the road were included as proposed by the neighborhood representatives. Mr. Quinn explained that in previous SSA's if a property fronted on multiple roadways and took access off another roadway not the subject of the SSA, they were not included in the SSA because they would not impact the roadway. Mr. Freireich questioned if vacant properties develop and take access in the future, would they participate in SSA. President Hettermann reiterated the proposal by neighborhood representatives is to only include improved properties currently using the road for access. Mr. Freireich expressed concern that the properties could be sold off to another owner for another use that would benefit from the roadway and not have to pay for the improvement. Mr. Hartnett explained that rumors that were heard about

development of the Fire District's and Village's properties were related to comprehensive future planning and there are no current plans to develop those properties. If in the future those properties were to develop, they would have to go through a subdivision process and if they impact a road, the development is responsible to pay their fair share related to that impact. We do not know if a future development will take access off of Sunnyside Beach Drive, but at this time the Village and Fire District are not developing their properties. President Hettermann explained that if development occurred in the future and wanted to take access from the road, a future board would need to address that issue at that time. Bob Denley representing the Budzynski family at 1707 Sunnyside Beach Drive remarked that the Fire District's property is improved and is not included and they could use the road for access for training or other purposes. President Hettermann that the District is not using the road and accesses it's property from Johnsborg Road.

Herb Hellstrom of 1701 Sunnyside Beach Drive remarked that as an association they could object to a proposed use since the residents paid to improve it and they do not want to increase traffic on the road. President Hettermann explained that once it becomes a Village Road, it is a public road and the association cannot limit the use of the road. He added that the Village would like to see development in the future but there are no plans at this time to access the road and it is likely that the Village's property would take access off of Johnsborg Road or Church Street which are already improved public roads.

Attorney Smoron explained that if there was a proposal to improve the properties in the future, there is a process that could be pursued to enlarge the SSA to incorporate those parcels. He clarified that the SSA process would need to be pursued at that time. President Hettermann clarified that if the residents want to include all properties, including those that are vacant, the process would need to start over at this time. Attorney Smoron pointed out that the Fire District would have to agree to terms as they are tax exempt and do not receive a tax bill.

Mr. Denley stated that his questions had been addressed

Perry Lynn of 1801 Sunnyside Beach Drive stated that he objects to the road.

Joe Smiesko of 1311 Sunnyside Beach Drive had no questions or comments.

Ron Diedrich of 1505 Sunnyside Beach Drive expressed that he feels everyone should pay their fair share and the Fire District and the Village should participate in the proposed special service area.

Herb Hellstrom of 1701 Sunnyside Beach Drive had no additional comments except that he is opposed to the use of the road by any other entity.

Pamela Dvonch of 1607 Sunnyside Beach Drive had no comment for the record.

Charles and Patricia Telesco of 1511 Sunnyside Beach Drive stated that they have no comment.

Resident of 1707 Sunnyside Beach Drive expressed her objection to the Village taking over the road.

Joseph Moses of 1509 Sunnyside Beach Drive questioned if storm water runoff from the road will be directed to run to the river. Mr. Hartnett confirmed that once all data is collected the road will be designed with storm sewer directed to the Fox River. He explained that the locations are undetermined at this time but if more easements are obtained the water can be managed with smaller pipes and directed to the river.

George Gianos of 1711 Sunnyside Beach expressed objection to the proposed special service area and explained that he believes every property should participate. He stated that the back end of the Village's property could take access from the road and not pay for it which he does not believe is fair as the homeowners will be paying for the project for 20 years. He added that the only fair way to pursue the project is for every property to pay for it.

Kati Konstantaras of 1501 Sunnyside Beach spoke seeking confirmation that once the Village takes over the road, the residents will no longer have any say over the access and activities on the road. President Hettermann confirmed that once it becomes a Village road, the association would no longer control road. He explained that the residents can maintain their association but they will no longer handle the road. He added that the Village has no plans to open the road, but will require the installation of a gate to provide access for emergency vehicles, which will include an opening for golf carts, bicycles and pedestrians as was done on River Terrace. President Hettermann emphasized the necessity to have more than one access to a road. Ms. Konstantaras questioned if there will be a time for residents to provide input on the gate and opening for golf cart access. President Hettermann explained that the gate and opening are being required as was done on River Terrace Drive.

Lucy Cleary of 1507 Sunnyside Beach Drive expressed concurrence with Ms. Konstantaras' comments

Don Peeples of 1401 Sunnyside Beach Drive questioned if an ordinance could be approved reflecting that the Village and the Fire Department do not intend to take access to the road. President Hettermann explained that the current board could do so, but future boards would not be bound by that action. Mr. Peeples remarked for a future board to overturn the ordinance would take some action and if the current board would undertake the ordinance it would give some assurances to the residents. Attorney Smoron stated that the Village can impose whatever restrictions it wants on itself, but would need to ask the Fire Department if they would be agreeable to the restrictions.

Mr. Peeples questioned if all sheds will be required to be removed along the road across the street from the homes and parking will be prohibited on the street. President Hettermann stated that the regulations would be the same as for any other road in the Village, which prohibits parking during snow fall and overnight. He added that the Village will work with residents to minimize impacts to structures along the road. Mr. Peeples questioned the proposed width of the road. Mr. Hartnett stated that the minimum width used in the past was 18 feet. He reiterated that the Village will work with the residents to minimize impacts to their structures and property and stated that they have shifted the road in the past to provide area for parking in front of garages.

Rick Quinn remarked that in all of the SSAs he has been involved with, everyone was pleased with the outcome. He explained that once the road is improved and taken over by the Village, the residents do not have to worry about road maintenance ever again. Mr. Quinn stated that the Village will work with the residents to work out all of the details regarding parking and other impacts and emphasized that the Village is not imposing the roadway improvement on them, they are simply trying to help facilitate a request brought forward by residents in the subdivision. He explained that the team from their subdivision proposed the terms of the project, not the Village. Mr. Quinn stated that the Village's goal is to get the best possible results from the project. He added that historically SSA's have been very good for all subdivisions that has pursued them and resulted in residents improving their properties and increasing their property values.

Randy Sundell, of 1317 Sunnyside Beach Drive stated that he has no comment.

Lisa Clark of 1609 Sunnyside Beach Drive attended on behalf of Leona D Revocable Trust Pretzel and expressed no objection to the proposed special service area.

Jennifer Gianos of 1711 Sunnyside Beach stated that she has no questions.

Jake Gross of 1315 Sunnyside Beach stated that he had no questions.

Ms. Stachula of 1403 Sunnyside Beach Drive explained that she owns a lot on the river and parks her car across the street. She questioned who will be responsible for paving the area between the parking area to the road. Mr. Hartnett explained that the improvements will run to the edge of right of way. Ms. Stachula questioned if the improvement will include curbs. Mr. Hartnett explained that the project will not include barrier curbs, but rather V-gutters which can handle storm water runoff and are mountable. Ms. Strachula questioned if the excavation associated with the improvement will extend into the easement area across the street where residents park. She questioned if there would be an extra cost to improve the easement area. She clarified that she does not own the property but it is considered an easement. Mr. Hartnett explained that he would need to see the property to better understand the situation but emphasized that the Village will work with residents to help maintain their parking and have no desire to negatively impact the residents. President Hettermann suggested residents look at Fairview Avenue to see how v-gutters were implemented when the residents upgraded the road.

Jake Gross of 1315 Sunnyside Beach Drive questioned if a gate is proposed to open up the road. President Hettermann explained the Village has no plans to open the road but will require a gate that can be opened by emergency personnel when necessary. He explained that a gate will be installed just past the boat launch, which will include an opening to provide access for golf carts, bicycles and pedestrians. He emphasized the importance of insuring that emergency vehicles can access.

Sally Tweed of 1415 Sunnyside Beach Drive stated that she prefers to have the road remain private and expressed concern with the project's impact to her garage and fence which are right along the edge of the road. She added that her septic lines run under the road to her septic field across the street. Mr. Hartnett explained that he has dealt with similar situations and assured Ms. Tweed that her septic lines will be protected and the Village will work with residents to address structures along the roadway. President Hettermann added that the Village will not make her take down garage, but will shift the road if necessary around structures.

Mike McEvoy of 1413 Sunnyside Beach Drive questioned if assessed values of the homes will go up because of the road improvement. Mr. Quinn explained that the values typically go up overtime not necessarily because of the road improvement, but because oftentimes residents pursue improvements to their homes in follow up to the project which increases the assessed value of homes in the area. He added that residents will see an immediate increase in their tax bill due to the addition of the SSA but the assessed values of the properties will be determined by the tax assessor. Mr. Quinn stated that he is not aware of anyone complaining of impacts to assessed values resulting from a road improvement in the past. He questioned when the first levy can be anticipated for the project.

Bea and Zane Gryczko of 1417 Sunnyside Beach Drive questioned if the Village intends to allow golf carts access. President Hettermann confirmed that an opening will be provided to accommodate golf carts. Mr. Gryczko questioned what will happen if the opening results in an excessive amount of snowmobiles traveling down the road. President Hettermann responded that snowmobiles are not allowed on the road. Mr. Gryczko questioned if the residents will have options regarding the opening in the gate if they begin to experience an excessive amount of recreational vehicles traveling through the opening as he has grandchildren and is concerned for their safety. Trustee Hagen explained that he has

not experienced increased traffic other than golf carts going through the gate at River Terrace. He reinforced the need for a gate and described a situation in which a neighboring home was on fire on Pitzen Road and the road had to be closed, prohibiting access to homes resulting in residents having to park more than a mile away and walk to their home. He explained that that in the case of the River Terrace gate/opening, a small opening existed prior to the gate being installed and since the new opening was created with the installation of the gate, residents have not experienced an increase in traffic traveling along their road. Mr. Gryczko reiterated his concerns about excessive traffic traveling through the opening and the recourse residents may have if it becomes a problem.

Kati Konstantaras questioned if the Village could size the opening to limit it to pedestrian's and bicycles to eliminate the concern about excessive traffic traveling through the opening. She questioned if it is negotiable to make the opening smaller. President Hettermann explained the opening would be 64 inches wide and which will limit the access.

Bob Denley questioned the next step in the process. Village Attorney Michael Smoron explained that following the night's formal hearing, there will be a determination to accept or deny and objections and protests raised. The hearing will then close and a 60-day period will follow providing residents an opportunity to file a formal objection petition if they desire. If no objection petition is filed or the petition, if filed, does not meet the criteria, the Village will take up the second ordinance following the 60-day period, establishing the special service area.

Gary Freireich expressed concern regarding golf cart access and asked that it be limited to pedestrians and questioned if language could be added to the Village's and Fire Department's deeds reflecting that any future development will be limited to access from Johnsburg Road. He stated that he would like to see those issues resolved before any final vote on the project.

Bob Denley also asked that the impacts to assessed value be further addressed. President Hettermann explained that historically we have not seen that happen solely because of the road improvement and explained that the tax assessor would be the proper authority to provide residents information regarding impacts to assessed value. Mr. Freireich remarked that if the value of the homes increases and properties in the subdivision sell high, the assessed values will likely go up. President Hettermann concurred that it is based upon the value of the home.

Mr. Peeples expressed concern that the residents are being asked to accept the project and are not aware of the proposed costs. President Hettermann explained that it cannot be more than \$1.2 million as reflected in the proposing ordinance. He added if the Village cannot get it done for that cost, the SSA does not proceed. Mr. Hartnett explained that the Village pursued a study of all private roads in the 90's and updated the estimates early in the 2000s. Since that time, the engineer's estimates have been increased to take into consideration inflation and other factors. The estimate of \$1.2 million takes into consideration legal and bonding costs as well as unforeseen circumstances. Mr. Peeples questioned if the project would be bid. Mr. Hartnett confirmed that it would and explained that the Village will spend 4-5 months performing surveying, data collection and working with the residents to design the project which would likely get underway in the Spring of 2022.

Mr. Gianos questioned if the cost of the project goes over the \$1.2 million, will the Village cover the additional costs. President Hettermann explained that the Village has never contributed in the past. Mr. Gianos questioned if there is a way the Village could intervene regarding an increase in the property assessments. President Hettermann stated that the Village does not have that authority, it would be up to the tax assessor. Mr. Quinn reiterated that over time as homes go up in value, the homes will sell at a higher rate and when the assessor sees that trend, she could raise the areas assessed values. He added that in the past, that has not occurred quickly, but overtime the residents will likely see the sale price of their homes increase because they are making an investment in their property.

Herb Hellstrom remarked regarding parking in the right of way or easement. He explained that most people call anything adjacent to the street an easement but it is likely right of way. He explained that some of the right of way is wider and people have constructed sheds in those areas across the street and park in the easement area. He stated that it is his understanding that those areas will not be affected on this project other than going in a couple of feet to provide adequate road width. He added that it is his understanding that the homeowner's association can remain intact but will not have control over the road.

With no additional public comments, Attorney Smoron explained that the next step is for the Village Board to consider the acceptance or denial of the objections raised at the hearing. Trustee Frost moved to deny the objections raised at the hearing. Trustee Foreman seconded the motion. Trustee Foreman clarified that the property owners still have the right to pursue an objection during the sixty-day period. Attorney Smoron explained that the residents can submit a petition signed by the majority of the owners and voters if they wish to object to the establishment of the special service area. President Hettermann reiterated that the Board is voting to move forward and the residents still have a 60-day period to file an objection petition. Trustee Frost questioned if the board supports the idea of establishing an ordinance regulating access to the Village's property so that access is limited to Church Street and Johnsbury Road. All trustees in attendance expressed their support. Attorney Smoron explained that the Village would have to discuss the matter with the Fire District to determine if they would agree to that restriction too. All Trustees present voted aye on the roll to deny the objections raised. Motion carried. The public hearing closed at 8:56 p.m.

DAVID G DOMINGUEZ MUNICIPAL FACILITY - Trustee Hagen moved to accept the proposal from Manusos General Contracting Inc. in the amount of \$3,713,600 for the David G. Dominguez Municipal Center Expansion project and authorize President Hettermann to execute the AIA Standard Form Agreement between the Village of Johnsbury and Manusos General Contracting, Inc. Trustee Frost seconded the motion. Chris Hansen of Kluber Architects and Engineers stated that there was a lot of interest in the project and 17 bids were received. He verified that Manusos' bid is valid and pointed out that it includes contingencies as well as the allowances for a high density shelving system, AV equipment, interior signage, etc. Mr. Hansen explained that Manusos will be self-performing several aspects of the project including concrete, carpentry, doors, frames, hardware, wood trusses and installation of cabinetry. He explained that the project budget estimate was approximately \$3.6 million last June and the Village decided to hold off on bidding because of volatility in the market for items such as lumber, which did increase significantly in the third quarter but the market did somewhat self-correct. Trustee Frost concurred and explained that he experienced considerable increases in steel prices as well. The Board questioned who will be overseeing the project. Mr. Hansen explained that he will be on site every other week and will oversee the construction of the facility and HR Green will oversee the site civil portion of the project. All Trustees present vote aye on the roll. Motion carried.

FIRST READ/NO ACTION

Move to approve Ordinance 20-21-36 Denying a Variance to Section 10.3-4.2 Side Yard Setback for the Property at 5615 Amber Way. President Hettermann explained that the Planning and Zoning Commission unanimously recommended denial of the request. The petitioners were not present at the Board meeting. The matter will be included on the next meeting agenda for action.

Move to approve Ordinance 20-21-37 Approving a Variance to Section 7.1-2 Accessory Structures for the Vacant Lot at the Corner of Middle Avenue and Sunnyside Beach Drive, PIN 10-18-153-006. President Hettermann reported that the Planning and Zoning Commission unanimously recommended approval of the variance. Mr. and Mrs. Verkuilen attended the meeting and reiterated the reason for the request. There were no additional questions from the board. The matter will be included on the next meeting agenda for action.

PRESIDENT'S REPORT - President Hettermann appointed James Sylvanes to the Finance Committee.

COMMITTEE REPORTS - Trustee Foreman informed the Board of discussions that occurred with Ted Juske from the School District regarding Hiller Park fields. She explained the first step will be to get the fields cleaned up before pursuing any action with the fence installation. President Hettermann reinforced that Mr. Juske will need to come to board with his proposal before proceeding. Trustee Klemstein reported that the Finance Committee is reviewing the proposed FY 22 budget and has asked the Economic Development Committee for input regarding business related fees. Trustee Frost reported that the Ordinance Committee will continue its review of ordinances regulating the use of golf carts and UTVs in the Village.

ADJOURNMENT – Trustee Hagen moved to adjourn the meeting. Trustee Frost seconded the motion. All Trustees present voted aye on the roll. Motion carried at 9:38 p.m.

Respectfully Submitted

Claudett Sofiakis
Village Administrator