

**VILLAGE OF JOHNSBURG
MARCH 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 (absent)
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

AUDIENCE PARTICIPATION – President Hettermann requested public participation. Participants present wished to address the board regarding the proposed dredging project associated with Dutch Creek Woodland included later on the Agenda.

Alfonzo Ramos 2501 Aspen Dr., Johnsburg, IL 60051

Scott Smith 2323 Aspen Dr., Johnsburg, IL 60051

Jill Djuric & Glenn Fisher 3411 Countryside Dr., Johnsburg, IL 60051

Tyson & Ruann Barack 3406 Cove Ct., Johnsburg, IL 60051

Kristin Grons 3410 Cove Ct., Johnsburg, IL 60051

Laura King 2718 Titchfield Ter., Johnsburg, IL 60051

Dolores “Laurie” Filippone 2721 Tichfield Ter., Johnsburg, IL 60051

OMNIBUS AGENDA – Trustee Frost moved to approve the Omnibus Agenda. Trustee Hagen seconded the motion. Trustee Curry requested the pull and discussion of Ordinance 20-21-39 Amending Chapter 15. All trustees present voted aye on the roll on the remaining Omnibus Agenda items. Motion carried.

- Move to approve the minutes of the March 2, 2021 Regular Meeting of the President and Board of Trustees
- Move to approve Ordinance 20-21-38 Regulating Access from Village Property to Sunnyside Beach Drive
- Move to approve Ordinance 20-21-40 Amending Chapter 12, Nuisances of the Johnsburg Municipal Code
- Move to approve Intergovernmental Agreement between the Village of Johnsburg and the County of McHenry for Maintenance Services for Sidewalks Along Chapel Hill Road Northwest of Reed Avenue to Fairview Avenue

- Move to approve Mutual Aid Agreement between the McHenry County Conservation District and the Village of Johnsburg

- **Disbursements**

• General Fund	\$114,233.51
• MFT	
• Waterworks & Sewage Fund	\$ 5,908.65
• Land and Building	\$ 2,100.00
• Golf Course Fund	
• Total All Funds	\$122,242.16

ORDINANCE 20-21-39 – The Board discussed Ordinance 20-21-39 amending regulations related to non-highway vehicles. Trustee Curry inquired about the proposed increase in fees and what the Village intended to do with the additional funds. Trustee Frost elaborated the increase was recommended by the ordinance committee to help cover the cost of proposed paths, updated signage, implementation of non-highway vehicle registration plates and mapping within the Village of Johnsburg. Trustee Foreman commented that she had difficulties with the amount of the increase. Chief VonAllmen provided comment regarding the proposed quote for implementation of plates and allocation of staff time. President Hettermann discussed when progress is made on developing the map and paths for the Non-Highway vehicle program the fees would be revisited. The board discussed the fee schedule, identifying vanity plates at the fee of \$75, numerical generated plates at \$60 and annual renew at \$25. The board expressed support for the fines proposed and implementation of suspension and/or revocations for recurring violators. Trustee Curry commented that there is confusion regarding the use of non-highway vehicles on private property and public parks. He asked for clarification on the designated route and elaborated on experiences he witness with safety concerns of said vehicles in the parks. President Hettermann commented that he agrees the intension is to not allow carts on Village sled hill or off-roading in the parks; however, he doesn't see an issue with operation on park fields or to drop off children to games and/or to spectate from non-highway vehicles. Board discussed removal of 15.15 C. Operation Regulations 7. *“Operation of a non-highway vehicle is prohibited on lands not owned or under the control of the operator or owner of the non-highway vehicle without the consent of the land/property owner or operator of the land/property”* and to revisit the matter when designated routes are implemented with mapping or path improvements. Trustee Foreman expressed concerns for increased signage and increased enforcement. Trustee Frost commented that is what his committee reviewed and expressed designated paths to identify clearly where non-highway vehicles can spectate and utilize the parks as a direct route within the community. The Board discussed proposed fines along with suspension and revocation regulations and compared them to neighboring communities that also permit non-highway vehicle use. Board agreed that vanity plates fee would be \$75, numerical fee plates would be \$60 and annual renewals would be \$25, all to be implemented retroactive. Municipal Chapter 15.15 C. Operation Regulations 7. Would be stricken from the ordinance and revisited at later time and the proposed ordinance on fines for violations along with suspension and revocation would be implemented. Trustee Frost moved to approve Ordinance 20-21-39 as amended, Trustee Foreman seconded the motion. All trustees present voted aye. Motion carried.

PRESIDENT'S REPORT - President Hettermann reported the Johnsburg “Bucks” voucher is indeed valid until October 12, 2021. The DGD Municipal Center Expansion ground breaking will take place April 11, 2021 at 2:00p. The State of the Village hosted by JABA at the Pistakee Bay Yacht club will take place June 9, 2021 at 5:30p. The MCCG annual dinner is proposed to take place August 25, 2021 at the Pistakee Bay Yacht club at 5:30p. The proposed date for Celebration in the Park will take place October 12, 2021 with the proposed location of Hiller Park due to Sunnyside Memorial Park being surrounded by construction expansion.

BOBBIE FOSKETT – President, Dutch Creek Woodland’s Homeowner’s Association’s proposed Dredging Project

Mr. Foscett referred to Fox Waterway Agency (FWA) McHenry County Director Jason Hettermann and Superintendent Rob Bowman for a presentation presented to the Village Board. In summary, the presentation outlined the scope of the project referred to as the “mouth of the river” adjacent to Dutch Creek Woodland marina and the use of Village roadways for truck hauling along Fairview Ave, Reed Ave, and Aspen Dr. The project is estimated to remove 12,600 yards of material with about 1/3 of the loads projected to be placed on the Huemann property. That translates to 1575 loads in FWA six wheeler type dump trucks. These are not semi-trucks and will weigh less fully loaded than the standard garbage trucks that run village streets daily. Depending on truck availability they will have 2-3 trucks assigned daily, estimated 10 loads per truck per day. There will be a minimum of 2 trucks assigned to the project. On good weather days and personnel availability, they will work longer than the standard 8-hour day and the occasional Saturday. That may translate into a few extra loads on that particular day. FWA generally do that to make up for delays in the project. The project should take between 52 to 79 working days depending on truck availability. Those are working days and do not include weekends, holidays or weather/mechanical related shutdowns.

Alfonzo Ramos 2501 Aspen Dr., Johnsburg, IL 60051 – Expressed his concerns mid presentation that his taxes pay for said improvement and on his channel he cannot even access his boat.

Trustee Frost inquired during the presentation that if said scope near the marina were to take place, would that improve the channels sediment erosion and alongside the Dutch Creek Woodland bay area. Director Hettermann stated that it would improve slightly, but as the dredging takes place the sediment would shift into different pockets. Superintendent Bowman elaborated further and stated before the channels could be considered the bay area needed to be addressed to allow equipment access.

Trustee Foreman inquired during the presentation the topographic findings on the sediment levels and what the readings in the channels are proposed. Director Hettermann stated that the statistical survey data readings are showing approximate water levels of 1.5 to 2 feet.

Scott Smith 2323 Aspen Dr., Johnsburg, IL 60051 – Expressed his concerns that the proposed project serves none of the homeowners because it does include the dredging of the channels. He added that there has been no communication with homeowners and remarked that Mr. Foscett is only serving his needs and the marina.

FWA McHenry County Director Jason Hettermann continued his presentation and discussed the cost savings that will be experienced by permitting 1/3 of the dredged material to be dried on the Huemann parcel verses an offsite facility. Mr. Foscett stated that the use of the Huemann parcel will save the homeowner’s association approx. \$30,000. He added that odor will emanate from the Huemann site for approximately one to two days due to pockets of sulfur, but it will dissipate. FWA McHenry County Director Jason Hettermann reemphasized the FWA equipment has liners to help keep the area and roadway clean and they will follow up with their broom sweeper equipment.

Jill Djuric 3411 Countryside Dr., Johnsburg, IL 60051 – Questioned if a plan was proposed to address any of the three channels in Dutch Creek Woodlands. Superintendent Rob Bowman stated that he proposed the entire process to the FWA Board of Directors and verified that permits were secured with Army Corps of Engineers; however, the scope was scaled down to meet the financial constraints and to be able to accommodate the project within this year’s timeline. He also expressed that homeowners can come together and have a private contractor dredge the channels if they wish to proceed with their own project.

Village Engineer Tim Hartnett stated that the FWA received a 10-year permit approved through Army Corps of Engineers, IDNR and EPA for this scope of the project and the channels and the Dutch Creek Bay has been incorporated in the permit pending the timeline and financials involved.

Jill Djuric 3411 Countryside Dr., Johnsburg, IL 60051 remarked that since permits are in place they can get their own contractor to complete the channels. Superintendent Rob Bowman explained that if the homeowners wanted to utilize their own contractor they would need to secure their own permit. He offered to forward a list of contractors to them that perform dredging work. Village Engineer Tim Hartnett added that if a contractor wanted to work on a homeowner's behalf to dredge they would need to complete studies and secure approvals from all parties, which could take a year or two before approval could be granted.

Village President Hettermann expressed to the Board and audience that discussion had taken place with the FWA, Special Projects Coordinator and Village Engineer regarding a large scale dredging operation which proposes to hydraulically pump dredge material to a drying sight but the process requires multiple working parties, studies and permit approval by the Army Corps of Engineers, IDNR and EPA.

AUDIENCE PARTICIPATION (*Cont'd*) FOR PUBLIC COMMENT –

Joe Huemann, (owner of parcel 09-13-428-001 situated between Aspen Dr and Reed Ave) stated that he owns the property on which 1/3 of the dredge material is proposed to be placed for drying and remarked that he supports the idea of saving the Dutch Creek Woodlands homeowners money and only requested that any profit be returned to him to help cover his annual taxes. He wanted the board to be aware that his intentions were only to help the project as this has been a conversation for many years with prior members.

Mr. Foskett 2526 Knob Hill Rd., Johnsburg, IL 60051 – stated that his request on the dredging project was to obtain board approval regarding the use of Fairview Ave, Reed Ave and Aspen Dr. for trucks for ingress and egress and to maneuver on when dumping onto the Huemann property. He assured minimal use of Aspen Dr. for turning and proposed that no backing up on the road would take place. He added that when dumping on the Huemann property, they would use same ingress and egress with a temp driveway access for construction use only.

Village Engineer Tim Hartnett commented that the proposed timeline for the work to be conducted in August or September 2021 will be outside of freeze thaw cycle and would most likely have minimal impact to the roads and that heavy rains will help to ensure the roads remain clean and clear of any debris. He added that HR Green will review the temporary construction access to make sure it does not impede drainage and that storm water management requirements would be implemented and followed.

Tyson Barack 3406 Cove Ct., Johnsburg, IL 60051 – Expressed concerns to the board and directly to Mr. Foskett that he is the Vice President of the HOA and he had no knowledge of the dredging project nor did he know that it was only for the mouth of the Bay and would not extend into the channels of Dutch Creek Woodlands. He commented that he is not against the project, but had concerns why only a portion was being completed and not the entire proposed permitted scope for which permits were obtained.

Laurie Filippone 2721 Tichfield Ter., Johnsburg, IL 60051 – stated that she was gathering facts and looking further into the process to dredge the western channel adjacent to her property. She proposed her intentions to get together with other members that have channel rights collectively and contribute funds to complete the scope of dredging all the channels.

Village Board heard all the concerns from audience participation and the possible impacts the dredging scope proposed and supported said activity to proceed forward pending further permit review for the drying parcel and roadway impacts. Village President also expressed his intentions to review and

develop a permanent process for Dutch Creek Bay which will include dredging on a reoccurring bases with an approval for a containment cell within the Village.

ADJOURNMENT – Trustee Frost moved to adjourn the meeting. Trustee Hagen seconded the motion. All Trustees present voted aye on the roll. Motion carried at 9:10 p.m.

Respectfully Submitted

Vinny Lamontagna
Village Assistant Administrator