

**VILLAGE OF JOHNSBURG
SEPTEMBER 7, REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:00 p.m. in the Whispering Hills Community Center.

Attendees

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

AUDIENCE PARTICIPATION –

Michael Olson - 2211 Golden Rod Lane; expressed his support for the keeping of chickens on residential properties and questioned why the Village is against the idea. President Hettermann explained the required procedures for a text amendment.

Eleri Jane - 1212 Acre Lane; spoke on behalf of “Better then Burning”. She voiced her support for the Board’s acceptance of the proposal from Lake Disposal Services. She requested clarification on how yard waste bags will be provided under the new contract. It was explained that the homeowner is to supply their own yard waste bags or use cans. Alternatively, they can pursue a container rental through Lakes Disposal. The Board also explained that the leaf vacuum option will not be included since yard waste pickup will be provided to all households.

Cheryl Markunas – 1310 Hayden Drive; commented the she understood that you could rent yard waste containers from Lake Disposal Services.

Taylor Espinosa – 4706 Lake Dawnwood Drive; expressed concerns regarding the proceedings related to her request for text amendments. She discussed her proposed text amendment as it relates to yard sizes, setbacks and containment and the communities in the Chicago Land area that allow the activity. She remarked that the Village followed the County’s guidelines regarding burning, but not for the keeping of chickens. She stated that the Farm Bureau identifies McHenry County as 60% agricultural and challenged the Finding of the Facts stating that they were not based upon facts or statistical data but personal feelings, statements and hearsay. Mrs. Espinosa questioned if the Open Meetings Act was violated by the Commission and stated that she provided facts and statistical data from creditable sources and felt she was being ignored. She suggested that the Village pursue a survey on its website to determine the interest in allowing chickens in residential zoning districts.

Steve Espinosa - 4706 Lake Dawnwood Drive; expressed concern with the Planning and Zoning Commission proceedings. He remarked that one commission member presented factual data and two members provided non-factual facts with no statistical data in his opinion. He questioned the Board’s confidence with the integrity of the Planning and Zoning Commission.

Holly Arnold – 2114 Church Street; stated she is zoned agricultural and therefore is allowed to have chickens but does not personally want them; however, she supports the keeping of chickens. She commented that the issue is not predators, but appears to be focused on aesthetics. She provided an exhibit for Village Board to review and consider.

Margite Fisher – 2211 Church Street; commented that her son wanted chickens also and began the process before winter last year but he is not going to have them as he is moving away and she does not want to care for them. She attended the meeting in support of keeping of chickens and stated she signed the petition for Mrs. Espinosa.

Attorney Smoron – spoke to the members of the audience regarding the Special Planning and Zoning Commission hearing and commentary. He remarked that the hearing proceedings were appropriate as were the commission's deliberations. He explained that following the public hearing, the meeting was tabled for the commission to review the exhibits provided. He pointed out that the chair followed written guidelines for the public hearing and the rules were followed. Mr. Smoron explained that upon closing the public hearing, the petitioners could be present at the continued meeting, but not participate as the meeting was for Planning and Zoning to consider the matter amongst themselves so that a recommendation could be made to the Village Board and no additional testimony could be taken.

Village President Hettermann explained the Commission tabled the Special Planning and Zoning public meeting after the hearing was closed to further deliberate and make a recommendation. He added that the Board then performs a First Read of the matter and then takes action at a subsequent meeting

Taylor Espinosa – 4706 Lake Dawnwood Drive; opined that the only commission member who provided statistical data at the meeting was a lady who was in support of Keeping of Chickens. Ms. Espinosa challenged the Finding of Facts and what the Commission considered in making their recommendation.

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 minutes of the August 17, 2021 Regular Meeting of the President and Board of Trustees
- Move to approve Pay Request #5 in the amount of \$426,033 to Manusos General Contracting Inc. for the David G. Dominguez Municipal Center
- Move to approve Ordinance 21-22-12 Amending Certain Sections of Chapter 15 Traffic of the Johnsburg Municipal Code to approve minutes of the August 17, 2021 Regular Meeting of the President and Board of Trustees
- Move to approve Pay Request #1 to Bolder Contractors, Inc. in the amount of \$302,863.50 for the North Sewer Service Extension Project

- **Disbursements**

• General Fund	\$226,769.98
• Waterworks & Sewage Fund	\$316,369.41
• Golf Course Fund	
• Land and Building	\$430,326.54
• Debt Service Fund	
• Total All Funds	\$973,465.93

PRESIDENT'S REPORT – President Hettermann updated the Board on the upcoming Saufen und Spiel parade on September 12th at 11:00am. He stated that he is waiting on one trustee to submit his strategic planning comments for a proposal to be drafted for the board to review at a future meeting. President Hettermann reported that Gary Lang Auto Group would like to pursue the scoreboard advertising at Hiller Park and wants a “First Right of Refusal” on any and all future improvements to Hiller Park as it becomes further developed. Trustee Curry asked for clarification regarding donations made by previous sponsors related to touchdowns, homeruns, etc. Trustee Foreman requested clarification on the “First Right of Refusal” and asked for correspondence to be provided for further discussion and review.

Village President Hettermann then advised that the sewer committee will be meeting to discuss the use of additional grant funds to extend sewers to the other side of the river. He advised that the committee supports the idea of the extension and required lift station and one of the key points discussed at Strategic Planning meeting was extending sewers to waterfront homes and business development. He expressed the estimated cost to be of \$1.2 to \$1.4 million and the anticipated estimated grant funds would be approximately \$840,000.

Holly Arnold – 2114 Church Street; questioned if the extension is intended to serve the restaurant going in at Chapel Hill Road and Linden? Village President Hettermann stated that previous establishments operating from that location closed due to capacity challenges. He expressed that the Safe Route to School funding process took 2-3 years and the sewer infrastructure across the Fox River would likely be the same.

UNFINISHED BUSINESS

VILLAGE BOARD - Trustee Curry moved to approve the Agreement between the Village of Johnsburg and Lakes Disposal Inc. for Residential Refuse, Recycling, Yard Waste and Optional Services. Trustee Frost seconded the motion. Trustee Hagen questioned is there were any changes to contract and if the contract was reviewed by the Village Attorney. Attorney Smoron commented that he did indeed review and no changes were identified among parties. All Trustees present voted aye on the roll. Motion carried.

VILLAGE BOARD (First Read/No Action) -

- Move to approve Ordinance 20-21-11 Denying Text Amendment to Section 10.6, Keeping of Chickens of the Johnsburg Zoning Ordinance

Trustee Curry commented that he had a neighbor that had chickens and stated that he never observed or noted an odor or smell, nor increase of predators and had two (2) dogs that showed no issues allowing said chickens. He stated that when the property owner included a rooster and a turkey began to show a presence, it began to bother some residents and the surrounding dogs in the area or those walking by. He added that he has no issue with keeping of chickens and he purchases his eggs locally from Shire's in the unincorporated area of McHenry County.

Trustee Frost expressed that dogs or multiple domesticated animals can be more annoying to surrounding neighbors than chickens. He commented that he appreciates the residents coming out showing support before the board to express their interest for keeping of chickens. He requested two (2) to three (3) ordinance that regulate the activity to review. He questioned the life expectancy of a chicken and questioned butchering chickens on residential properties would be allowed. He also questioned what types of chickens would be allowed and will the homeowner be sure they would not be getting a rooster which he foresee developing into a problem.

Trustee Klemstein commented that certain homeowner association will be more restrictive. He expressed that if the board allows the activity that the subdivision homeowner association can prohibit them or be more restrictive.

Trustee Curry requested clarification at the next meeting what the board would be considering and voting on and does it have to be a unanimous vote to override Planning and Zoning recommendation to Village Board.

Attorney Smoron expressed that the Board can continue to review. The process can be approved, denied or continued to be developed at Village Board level. The Board has to ability to table pending further discussion on the matter.

Cheryl Markunas – 1310 Hayden Drive; asked the board for clarification that if keeping of chickens are allowed would the homeowner be responsible to submit breed, site plan, etc...for the ordinance committee to review and regulate.

Village President Hettermann stated in summary concerns the Village Board might have allowing said activity and associated violations that might develop from residential properties housing chickens. He explained that the action affects the neighbors and neighborhood as a whole and not just one homeowner. The Board will continue to consider the matter and if some criteria needs to be developed and established they will discuss that also.

Holly Arnold – 2114 Church Street; stated that no objectors were present at the Planning and Zoning public hearing. She asked the board complete their own research on the matter and that Planning and Zoning recommendation be considered but not the sole reason to deny.

Steve Espinosa - 4706 Lake Dawnwood Drive; questioned the documents provided to the Village Board and if the Board has the same confidence that Planning and Zoning reviewed all of the correspondence submitted to them with statistical data and that no discussion took place outside of the public meeting.

Village President expressed that conversations do not take place outside of the public hearing and no collusion regarding a decision is influenced or recommend by him or any member of the board. He stated he has never contacted commission members or trustee to influence their decision. He spoke to former commission members Foreman and Letzter and asked he has ever contacted them to influence a decision to which both Trustee Foreman and Trustee responded “No”. Village President Hettermann then explained the procedure was a public hearing first with testimony and second meeting for the commission members to discuss and recommend to the Village Board their decision moving forward.

COMMITTEE REPORTS -

Trustee Curry reported that the Development and Government Affairs is reviewing the Subdivision Control Ordinance. He added that the Jr. Skyhawks is moving forward with the installation of the previously purchased scoreboard. He stated that interest was received from sponsors local to area for advertising. Trustee Curry expressed his concerns regarding non-highway vehicles and other vehicles violating rules established at Hiller Park. He also commented that on the night of the pub crawl a young lady was passed out lying on her golf cart. He remarked that he did not know if she was a participant in the event.

Village President Hettermann clarified that the event was a cart cruise to establishments within Johnsburg to promote business and fundraising for organizations. He explained that each non-highway vehicle is inspected for alcoholic beverages and no coolers or beverages are allowed on the carts. President Hettermann stated that it is a cart cruise for charities which starts Sunnyside Tavern, a business

that donates much to local organizations and raised approximately \$5,000 from the event to which all was donated. He emphasized the need to encourage business growth and establishment.

Trustee Letzter reported that the Public Works Committee completed a review of the PASER rating system and ongoing project within the Village. He stated there would be no meeting in September and the Committee will meet again in October for follow-up on road resurfacing and preparation for Winter months.

Trustee Foreman reported that the Community Affairs Committee is discussing the Celebration in the Park and she is short on committee members.

Trustee Hagen reported that the Economic Development is waiting for the strategic plan proposal for review and will be discussing at their next meeting.

ADJOURNMENT - Trustee Letzter moved to adjourn the meeting. Trustee Foreman seconded the motion. All Trustees voted aye. Motion to adjourn was carried at 8:36 p.m.

Respectfully Submitted

*Vinny Lamontagna
Village Assistant Administrator*