

**VILLAGE OF JOHNSBURG
DECEMBER 12, 2023 REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:00 p.m. in the Village Hall.

Attendees

Trustee Mike Fouke
Trustee Beth Foreman
Trustee Jamie Morris
Trustee Josh Hagen
Trustee Greg Klemstein
Trustee Scott Letzter
Village Administrator Claudett Sofiakis
Assistant Village Administrator Vinny Lamontagna
Attorney Michael Smoron
Special Projects Coordinator Rick Quinn
Village Engineer Tim Hartnett

AUDIENCE PARTICIPATION - Tom Curry of 2017 Camden Court attended regarding the Village's policy associated with the employment of relatives. He further remarked about changes to Salary Grades that were made in association with 2023 salary adjustments and later ratified in an Ordinance.

OMNIBUS AGENDA – Trustee Foreman moved to approve the Omnibus Agenda. Trustee Fouke seconded the motion. Trustee Hagen requested the removal of the appointment of the Planning and Zoning Commission as a Special Zoning Commission. All Trustees voted aye on the roll. Motion carried

- Move to approve the minutes of the November 21, 2023 Regular Meeting of the President and Board of Trustees
- Move to approve Ordinance 23-24-16 Abating Taxes to be Levied to Pay Principal and Interest on Taxable General Obligation (Alternate Revenue Source) Bonds, Series 2018 in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-17 Abating Taxes to be Levied to Pay Principal and Interest on General Obligation Bonds (Alternate Revenue Source), Series 2017 in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-18 Abating Taxes to be Levied to Pay Principal and Interest on General Obligation Bonds (Alternate Revenue Source), Series 2020A in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-19 Abating Taxes to be Levied to Pay Principal and Interest on General Obligation Bonds (Alternate Revenue Source), Series 2020B in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-20 Abating Taxes to be Levied to Pay Principal and Interest on General Obligation Waterworks and Sewerage Refunding Bonds (Alternate Revenue Source), Series 2018 in the Village of Johnsburg for the 2023 Tax Year

- Move to approve Ordinance 23-24-21 Establishing a Tax Levy for Special Service Area #6 in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-22 Establishing a Tax Levy for Special Service Area #11 in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-23 Establishing a Tax Levy for Special Service Area #13 in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-24 Establishing a Tax Levy for Special Service Area #15 in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-25 Establishing a Tax Levy for Special Service Area #27 in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-26 Establishing a Levy for Special Service Area #28 in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-27 Establishing a Tax Levy for Special Service Area #32 in the Village of Johnsburg for the 2023 Tax Year
- Move to approve Ordinance 23-24-28 Establishing a Tax Levy for Special Service Area #33 in the Village of Johnsburg for the 2023 Tax Year
- Move to accept proposal from Arthur J. Gallagher Risk Management Services, Inc. in the amount of \$128,695 for the Village's Property, Liability, Equipment Breakdown, Cyber, Crime and Worker's Compensation insurance.
- Move to appoint the Planning and Zoning Commission as a Special Zoning Commission to consider text amendments to Sections 6, Non-conforming Buildings and Uses, by adding Section 6.10 Burden of Proof; Section 7.1 Accessory Buildings and Structures by adding Section 7.1-11, Limited Personal Storage and Section 20, Violations: Penalty of the Johnsburg Zoning Ordinance.
- Move to approve Pay Request #1 from Peter Baker and Sons Co. in the amount of \$600,266.42 for the 2023 Road Resurfacing Program.

- **Disbursements**

• General Fund	\$ 720,789.91
• MFT	\$ 275,024.00
• Waterworks & Sewage Fund	\$ 51,922.36
• Land and Building	\$
• Debt Service/SSA Fund	\$ 24,287.28
• Total All Funds	\$ 1,072,023.55

SPECIAL ZONING COMMISSION - Trustee Hagen moved to appoint the Planning and Zoning Commission as a Special Zoning Commission to consider a text amendment to Section 6, Non-conforming Buildings and Uses, by adding Section 6.10 Burden of Proof; Section 7.1 Accessory Buildings and Structures by adding Section 7.1-11, Limited Personal Storage and Section 20, Violations: Penalty of the Johnsburg Zoning Ordinance. Trustee Letzter seconded the motion. President Hettermann

explained that the proposed amendments are being recommended by the Village Attorney. He added that the action sends the matter to the Planning and Zoning Commission for a hearing and a recommendation will come back to the Board for consideration. Attorney Smoron reviewed the proposed amendments. All Trustees voted aye on the roll. Motion carried.

PRESIDENT'S REPORT - President Hettermann reported that the meeting on January 2, 2024 will be canceled and the next meeting will be on January 16, 2024 with Committee of the Whole meetings resuming at the end of January. He asked for the Board's support to appoint Dan Mitchell to the Finance Commission and Tom Callahan to the Economic Development Committee. The Board concurred.

TRUTH AND TAXATION LEVY - Attorney Smoron explained the purpose of the hearing and opened the hearing at 7:18 p.m. Cheryl Markunas questioned what the Village does with all of the funds received from video gaming. President Hettermann and Trustee Klemstein explained that the Village does not receive all of the funds, it only collects 5% which totals about \$135,000. With no further questions or comments, the hearing closed at 7:20 p.m.

TAX LEVY - Trustee Klemstein moved to approve Ordinance 23-24 15 An Ordinance for the Levy of Taxes for the Village of Johnsburg, McHenry County, Illinois for the Tax Year 2023. Trustee Foreman seconded the motion All Trustees voted aye on the roll. Motion carried.

BOND HEARING - Attorney Smoron explained the purpose of the hearing and opened the public hearing at 7:23 p.m. Attorney Smoron asked if anyone wished to submit written comments. No written comments were submitted. He then asked if anyone wished to provide verbal comments. No comments were made. The hearing closed at 7:24 p.m. Bob Vail of Bernardi Securities attended to provide an update on bond rates. He explained the next steps in the process which includes action on a bond parameters ordinance, completing the final step necessary for the board to issue bonds. Mr. Vail stated that he will continue to monitor rates and explained that the Village will have approximately six months from the approval of the bond parameters ordinance to take action on the sale of bonds.

JACK PEASE - Jack Pease was in attendance to request the release of the Letters of Credit posted for Dutch Creek Estates Phases 3,4,5, and 6. He explained that in the last 17 years since the development was done, few homes have been built on the 160 lots. He discussed the improvements and maintenance performed over the past several years and reviewed the resurfacing timeline and manner in which the roads were constructed. Mr. Pease referenced the Villages PAVER rating for the roads and stated that he is asking the Village to accept the public improvements and release the letters of credit. Mr. Hartnett explained that the annexation agreement requires 51% build out of the development before the roads are accepted. President Hettermann explained that the build out is nowhere close to the required 51%. Assistant Administrator Lamontagna reviewed the build out for each phase which ranges from 2%-5.5%. Jack remarked that the Village has been collecting MFT funds for the roads since 2006 and should take over the roads. Ms. Sofiakis clarified that the Village receives MFT funds per capita not based upon miles of roads. Trustee Letzter questioned why the Village should take on the burden. Mr. Pease expressed that it is not fair to expect him to continue to be responsible for the roads. Mr. Hartnett stated that there are approximately 4.5 miles of roadway which would cost the Village \$250,000-\$300,000 per mile to resurface.

Mr. Pease discussed amending the planned development ordinance approved for the subdivision to allow larger accessory structures on properties in Phases 3,4 and 5. The Board directed Mr. Pease to go to the Development and Governmental Affairs Committee with his concept before proceeding to the Planning and Zoning Commission to amend the planned development ordinance.

LENNY HOFFMAN - Trustee Fouke moved to approve Pay Request #3 to Lenny Hoffman Excavating in the amount of \$391,732.83 for the Sunnyside Beach Road Improvement Project. Trustee Letzter seconded the motion. Mr. Hartnett explained that the payment is a progress payment and funds are still being retained but the project is at substantial completion. Mr. Hartnett discussed that manner in which the roads were built and stabilized. He further discussed the design changes made to reduce the project's costs which included dips in the road and an inverted roadway to carry stormwater to the storm sewers. Mr. Hartnett stated he is willing to stake his reputation and that of HR Green's on the project as their team was onsite observing all that was done to stabilize the roads and manage stormwater. He pointed out that the Village will still have \$116,000 in retention and the contractors know they have work that needs to be done along with final restoration. Mr. Hartnett stated that he met with Mr. Lamontagna and Mr. Walsh to discuss the improvements and how the road should be plowed. He added if something isn't functioning properly Lenny Hoffman and their subs will address it. Additionally, upon acceptance, the Village will have a one year warranty. Mr. Hartnett stated that the issues are aesthetic and not structural. Trustee Letzter expressed agreement with Mr. Hartnett. Mr. Hartnett restated that Lenny Hoffman and Geske are aware of the concerns and understand that items need to be addressed. Mr. Hartnett pointed out that much rain was experienced leading up to the completion of the project and the storm sewers handled it well. He added that the contractor has done a lot to placate the residents and it was a very difficult project. Mr. Quinn expressed that the blacktop seams need to be addressed and a gradual feathering of the pavement should be done around the storm sewers as he has concerns with plows catching the lip of pavement. Mr. Hartnett assured that the concerns will be addressed. President Hettermann stated that the Board needs to decide if dollar amount being retained is sufficient to address the outstanding concerns. Mr. Hartnett confirmed that the retained amount is sufficient to cover the concerns and outstanding issues. He reiterated that much of the problem resulted from the residents who do not follow through on their commitment to provide easements which lead to redesign of the project. All Trustees voted aye on the roll. Motion carried.

HOLIDAY MAGIC – Trustee Fouke thanked everyone for their efforts in the parade and remarked that the event was well received and was well covered in the paper.

ADJOURNMENT – Trustee Letzter moved to adjourn the meeting. Trustee Fouke seconded the motion. All Trustees voted aye. Motion to adjourn was carried at 8:14 p.m.

Respectfully Submitted

Claudett Sofiakis
Village Administrator