

**VILLAGE OF JOHNSBURG
FEBRUARY 6, 2024 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 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
Chief of Police Jason Greenwald
Attorney Michael Smoron
Special Projects Coordinator Rick Quinn (*absent*)
Village Engineer Tim Hartnett

AUDIENCE PARTICIPATION – Kathleen Nickel of 415 Lake Shore Blvd, Wauconda, Illinois attended to share what the Pistakee Yacht Club and Community Sailing School has meant to her and her family and to ask the Village to reconsider the zoning dispute.

Duane Peterson of 608 Waters Edge Drive, McHenry, Illinois attended to express concern regarding a summons he received related to his boat being parked on the Pistakee Yacht Club's property. Mr. Peterson stated that the receipt of the summons was the first he had heard about the matter and questioned how he became involved in the situation for which he has now had to hire an attorney.

Jeanine Annesser 5804 N Agatha Lane, McHenry, attended to discuss the positive effect the sailing school has had on her children with special needs and the importance of the Pistakee Yacht Club and Community Sailing School in the community.

Rob Bryson of 28792 W. Manitou Trail, McHenry, Illinois stated that the Yacht Club is not operating the back lot any different than it has in previous years. He stated that the Yacht Club has done some work cleaning up the property and discussed how the loss of the use of the back lot would affect the Yacht Club. Mr. Bryson questioned why the Village is not more welcoming and asked that the board get more involved in the matter.

Tom Kartheiser of 2885 Bay Meadow Lane, McHenry, Illinois discussed his involvement in the Johnsburg community and the positive impact the Pistakee Yacht Club has had on his family. He discussed the creation of the Community Sailing School as a not for profit organization to insure that all children are able to learn to sail.

President Hettermann responded to the remarks explaining that the issue is not about the Community Sailing School or the Yacht Club. He stated that the Village supports both organizations and what they do but the problem is that the back lot has turned into a boat and junk storage yard. President Hettermann explained that the Village had to get involved before to help clean up the property and it once again turned into a junk yard. He added that several letters were sent to the Yacht Club in an effort to try to resolve the issues and those letters were also emailed to all of the members. Attorney Smoron explained that the members of the Yacht Club have repeatedly maintained that they are in compliance with the

variance but there was never notice in the paper or to surrounding property owners indicating that the property was going to be used for the outside storage of boats. He explained that the Village asked the Yacht Club's attorney to certify that the property was in compliance with the McHenry County variance and received no response. He added that after the Yacht Club lost the first two motions in Court, he asked the Yacht Club's attorney and the Yacht Club members in attendance that day if they would like to reconsider and come up with an amicable resolution and again received no response. President Hettermann stated that the Village has always been open to reaching an amicable resolution and if the Yacht Club wishes to propose a compromise, the Village is open to hearing it, but clarified that the Village is not going back on the matter and it will continue through the court process.

Mr. Kartheiser questioned why members of the Planning and Zoning Commission were not aware of the ongoing case. President Hettermann explained that the case is not before the Commission. He added that the Commission is considering text amendments to the Zoning Code which apply to all properties in the Village.

Mr. Kartheiser stated that an anonymous complaint received by the Village wrongly alleged that the Community Sailing School is renting boat storage space on the back lot. He stated that the allegation is not true and the Community Sailing School only rents the Yacht Club facilities for its sailing school. He added that an ex-commodore of the Yacht Club erroneously stated that the Village tried to buy the Yacht Club's property in the past and implied that the current actions by the Village were an attempt to take over the Yacht Club. Mr. Kartheiser corrected the erroneous statements and clarified that in an effort to keep the Sailing School operating, representatives of the Yacht Club met with Village representatives several years ago to discuss the possibility of donating the facilities to the Village because it was falling into disrepair and the maintenance and tax impacts were creating financial challenges. Mr. Kartheiser added that in 1970 the Yacht Club obtained the backlots and sought a variance which discussed the use of the property to park cars and trailers during events and to provide for shuffleboard and other recreational activities. He further stated that the Yacht Club doesn't own any boats but a member donates the use of his pontoon boat for sailing school activities. He added that the sailing school does have a fleet of boats.

President Hettermann again stated that the Village supports the Yacht Club and the Community Sailing School and is open to reaching an amicable resolution. He stressed that fifty boats on one acre of property is not acceptable but urged those in attendance to propose a reasonable compromise for the Village to consider.

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

- Move to approve the minutes of January 16, 2024 Regular Meeting of the President and Board of Trustees.
- Move to approve Ordinance 23-24-33 Amending Chapter 9, Liquor Control and Liquor Licensing of the Johnsburg Municipal Code
- Move to approve Intergovernmental Agreement between the County of McHenry and the Village of Johnsburg for the Police Social Worker Program (*Removed*)
- Move to approve Intergovernmental Agreement for Dispatch Services between the City of McHenry and Village of Johnsburg
- Move to approve Resolution regarding CMAP's Report Entitled *Plan of Action for Regional Transit (PART)*

- **Disbursements**
- General Fund \$ 272,283.06
- Waterworks & Sewage Fund \$ 34,028.76
- Golf Course Fund \$
- Land and Building \$
- Special Service Area Fund \$ 230.00
- Total All Funds \$ 306,541.82

POLICE SOCIAL WORKER PROGRAM - Trustee Letzter moved to approve an Intergovernmental Agreement between the County of McHenry and the Village of Johnsburg for the Police Social Worker Program. Trustee Klemstein seconded the motion. Trustee Letzter questioned if the program could have been helpful in a recent police situation that occurred. Chief Greenwald stated if there was an awareness of some of the details surrounding the situation, the social worker could have gotten involved to assist. All Trustees voted aye on the roll. Motion carried.

COMCAST FRANCHISE HEARING - Attorney Smoron called the public hearing regarding a proposed cable television franchise agreement with Comcast of California/Colorado/Illinois/Michigan LLC to order at 8:15 p.m. He explained the purpose of the hearing and discussed the general terms of the agreement. With no questions from the public, the hearing closed at 8:16 p.m.

ORDINANCE 23-24-31 – Trustee Fouke moved to approve Ordinance 23-24-31 Authorizing the Village to enter into a Cable Franchise Agreement with Comcast of California/Colorado/Illinois/Michigan, LLC. Trustee Letzter seconded the motion. Trustee Foreman questioned other cable providers in the area. President Hettermann stated that AT & T does provide cable services to some areas of the Village. All Trustees voted aye on the roll. Motion carried.

EAST SIDE SEWER EXTENSION PROJECT REJECTION OF BIDS - Village Engineer Tim Harnett reviewed the scope of the project and the additional gravity sewer that was added in anticipation of favorable bids. He discussed the bids received and the decision to remove the gravity sewer to stay within the original scope of the project which included the force main and lift station to keep the cost within the Village's available funds. Trustee Hagen moved to reject all bids received for the East Side Sanitary Sewer Project. Trustee Letzter seconded the motion. All Trustees voted aye on the roll. Motion carried.

WAIVER OF BIDS - Trustee Foreman to waive bids for the East Side Sewer Extension Project. Trustee Fouke seconded the motion. All Trustees voted aye on the roll. Motion carried

ACCEPTANCE OF PROPOSAL – Trustee Hagen moved to accept the proposal from Joel Kennedy Constructing Corp in the \$1,998,874.75 for the modified East Side Sanitary Sewer Project. Trustee Foreman seconded the motion. All Trustees voted aye on the roll. Motion carried.

ADJOURNMENT – Trustee Fouke moved to adjourn the meeting. Trustee Morris seconded the motion. All Trustees voted aye. Motion to adjourn was carried at 8:26 p.m.

Respectfully Submitted,

Claudett Sofiakis
Village Administrator