

**VILLAGE OF JOHNSBURG
MARCH 11, 2024 SPECIAL MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:03 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
Village Engineer Tim Hartnett (*absent*)
Special Projects Coordinator Rick Quinn (*absent*)

AUDIENCE PARTICIPATION – Tom Kartheiser of 2885 Bay Meadow Lane, McHenry reviewed a timeline of events associated with the Pistakee Yacht Club from its inception through 2023 at which time he stated the Village received a false complaint regarding the Sailing School renting space on the back lot for boat storage. He stated that the Yacht Club has spent \$10,000 on the litigation and enrollment at the Sailing School is down. He discussed the negative impacts the matter could have on the future of the club if boat storage is not allowed.

Laura King of 2718 Tichfield Terrace, Johnsburg stated that the Yacht Club depends on membership for its financial sustainability. She stated that they know the Village is not trying to shut down the Sailing School or Yacht Club but if they have no place to store boats they will have no members. She stated that the Yacht Club obtained a variance that allows for boat trailer parking on the back lot but the Village disagrees with scope of the variance. She added that the Village directed the Yacht Club to file for a declaratory judgement and stated that the Yacht Club feels they were tricked into pursuing the legal process. She discussed a 1991 zoning ordinance which granted annexed properties the same zoning they had in the County at that time and questioned how staff can question the ordinance that was approved in 1991. She expressed concern with an ordinance currently being considered by the Village stating that it places final decision making in the hands of the staff rather than through the legal process.

Dave Rigby of 4002 Blitzsch Pl, Johnsburg attended to express thanks to the Village Board for the great job they've done developing parks and recreational opportunities. He stated that his grandchildren enjoy the fishing pond and the new play equipment at Rescue Squad Park and remarked positively about the condition of the soccer fields. He discussed how he became involved in teaching programs at the Sailing School and remarked positively about their programs. He emphasized the need for empathy and compassion and for everyone to work together.

Steve Kuna 1802 River Terrace, Johnsburg expressed disappointment in how the Village is handling the Pistakee Yacht Club matter. He stated that it appears to be based upon a complaint by only a few people and remarked that the Village likely receives more complaints about the abandoned townhomes on Johnsburg Road. He expressed concern with the legal costs being spent on the matter and stated that the Board needs to work to resolve the issues and help the Yacht Club be successful.

PRESIDENT REPORT – President Hettermann reported that the next meeting will be held on Thursday March 21, 2024 due to the elections. He added that a COW meeting will also be held that night.

OLD BUSINESS

ORDINANCE 23-24-29 AMENDING THE JOHNSBURG ZONING CODE – President Hettermann explained that there is a motion and second on Ordinance 23-24-29 and asked if there is anything new to discuss. Attorney Smoron explained that the language proposed for Section 6.10 has been modified. He again discussed past and current cases resulting in costly expenses to the Village and explained that he recommended the increased fines to act as a deterrent to future meritless defenses. Trustee Hagen remarked that the cases being raised are extreme and do not occur all of the time. He questioned if the fines could be tiered to allow for persons who promptly comply when notified of a violation. President Hettermann explained that fines are not immediately incurred as a notice of violation is first sent providing the property owner the opportunity to correct the violation before fines are applied. Trustee Hagen expressed concern with the language related to the storage of personal items on property. He stated that he has numerous items on his property including boats and kayaks and the limitation to four items implemented last year is restrictive. Trustee Foreman stated that the limitation was not newly implemented last year and has been on the books for some time. Assistant Administrator Lamontagna explained that the changes to the language last year clarified registration requirements and other minor changes. Trustee Foreman questioned the fines for burning and non-highway vehicle violations. Assistant Administrator Lamontagna stated that the fines start at \$200 and escalate for repeat offenses. Trustee Foreman questioned if a \$200 fine is enough to act as deterrent. Assistant Administrator Lamontagna stated that it is consistent with fines in many communities that he surveyed. He added that those communities place the burden of proof on the property owner who maintains they have the right to a nonconforming use. Trustee Letzter, Foreman, Klemstein, and Morris voted aye. Trustees Fouke and Hagen voted no. Motion to approve the ordinance carried.

RECESS FOR CLOSED SESSION - Trustee Fouke moved to recess the meeting to go into closed session to discuss pending litigation regarding the Pistakee Yacht Club vs. the Village of Johnsburg. Trustee Letzter seconded the motion. Trustee Hagen stated that he will be refrain from participating in the closed session as he is a regular member of the Yacht Club. Trustees Letzter, Fouke, Foreman, Klemstein and Morris voted aye on the roll call vote. Trustee Hagen abstained. Motion carried at 7:38

RETURN TO REGULAR SESSION- Trustee Fouke moved to return to regular session. Trustee Letzter seconded the motion. All Trustees were present and voted aye on the roll call vote. Motion carried at 8:54 p.m.

MOTIONS FOLLOWING CLOSED SESSION - Trustee Foreman move to authorize the President to direct correspondence to the Pistakee Yacht Club. Trustee Letzter seconded the motion. All Trustees voted aye on the roll. Motion carried.

ADJOURNMENT – Trustee Morris moved to adjourn the meeting. Trustee Hagen seconded the motion. All Trustees voted aye. Motion to adjourn was carried at 8:55 p.m.

Respectfully Submitted,

Claudett Sofiakis
Village Administrator