

**VILLAGE OF JOHNSBURG
JULY 15, 2014 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 John Huemann
Trustee Kevin McEvoy
Trustee Mary Lou Hutchinson (absent)
Trustee Janice Sisk
Trustee Greg Klemstein
Trustee Rich Janusz
Village Attorney Michael Smoron
Village Engineer Tim Hartnett (absent)
Chief of Police Keith VonAllmen
Special Projects Coordinator, Rick Quinn
Planning and Zoning Chairperson, Kim Husby

AUDIENCE PARTICIPATION - Joe Huemann from Huemann Water Conditioning was in attendance to thank the board for rescinding the vehicle sticker ordinance as the requirement for vehicle stickers had a significant financial impact on his business.

OMNIBUS AGENDA – Trustee McEvoy moved to approve the Omnibus Agenda. Trustee Huemann seconded the motion. Trustee Huemann requested the removal of Ordinance 14-15-06 from the Omnibus Agenda. All Trustees present voted aye on the remaining Omnibus Agenda items. Motion carried.

- Move to approve the minutes of the June 24, 2014 Special Meeting of the President and Board of Trustees
- Move to approve Ordinance 14-15-06 granting a variance to Section 7.2-1 Fences, of the Johnsburg Zoning Ordinance for the property commonly known as 3817 N. Spring Grove Road.
- Move to accept renewal proposal from Humana for employee health insurance coverage

• **DISBURSEMENTS**

• General Fund	\$255,333.69
• Waterworks/Sewer Fund	\$ 14,301.68
• Debt Service	<u>\$ 588.00</u>
• TOTAL OF ALL FUNDS	\$270,223.37

ORDINANCE 14-15-06 COLBY VARIANCE - Trustee Huemann moved to approve Ordinance 14-15-06 granting a variance to Section 7.2-1 Fences of the Johnsburg Zoning Ordinance for the property commonly known as 3817 N. Spring Grove Road. Trustee Janusz seconded the motion. Trustee Huemann expressed concern with the height of the fence and that it will be built in a stockade fashion. He explained that we would not permit a stockade fence eight feet in height on a commercial property, but would rather require landscaping to buffer the activities from adjacent residential uses. He noted that Joe Huemann, who was in attendance, planted some trees to buffer the other side of the commercial property on Spring Grove Road and questioned how long it took for the landscaping to provide an

adequate buffer. Mr. Huemann stated approximately three years. The Petitioner, Mr. Colby, stated that planting trees along the property would encroach onto their property because of the placement of the existing driveway on the adjacent commercial parcel. Trustee Huemann questioned if the Planning and Zoning Commission discussed the possibility of utilizing a board on board fencing style. Planning and Zoning Chairperson, Kim Husby stated that the Commission felt that because the fence will start behind the home, it will not be noticed from the road and therefore it will not be unsightly. She added that we cannot make the commercial property install a landscape berm as a buffer as there is no place to put it. Mr. Colby explained that he is trying to buffer the adjacent commercial activities which result in loud noise from construction, automobile repair and other activities taking place on the property. Chief VonAllmen stated that the Village's CSO is working on addressing nuisance related activities on the property. Prompted by a question from the board, Village Attorney Michael Smoron stated that any future resident desiring an eight foot high fence would cite this instance as precedence in making their case to the Village. He suggested that if the Village were to consider granting the variance, the board identify the reasons for the consideration in the findings of fact such as the intensity of the neighboring use; the location of the driveway on the lot line; the adjacent use is commercial with expanded hours of operation which impact the adjacent properties.

Mr. Colby stated that in addition to the construction business activities on the property, the owners also lease the property to a sealcoat company and an automotive repair shop. Ms. Peters agreed to look into the uses to see if they are appropriate for the zoning. Mr. Colby stated that he is proposing the placement of the fence on the property line. Trustee Huemann expressed concern with Mr. Colby's ability to maintain the other side of the fence if it is placed on the property line. Mr. Colby stated that the owner of the adjacent commercial property did not raise an issue with the fence placement. He explained that the closest corner of the petitioner's garage will be three feet from the fence.

Trustee Huemann stated that he believes the Village should be addressing the commercial activities to determine if they need to be further regulated. President Hettermann stated that the petitioner needs to make sure that he is meeting building requirements for a high fence to stabilize against the wind. Motion carried with all Trustees present voting aye on the roll.

PRESIDENT'S REPORT - President Hettermann informed the board that there has not been any new activities related to the boat launch proposed by the Village of Lakemoor. He explained that the County has a case pending in court regarding the matter.

President Hettermann reviewed the status of the Angelo's Market Economic Incentive Agreement and explained that the improvements for which they are receiving a reimbursement have been done. He further explained that there was an opportunity for additional incentives if the parking lot was improved and additional façade improvements completed.

PUBLIC HEARING – Attorney Smoron opened the public hearing for the proposed Appropriations for fiscal year 2015 at 7:35 p.m. He confirmed that public notice of the hearing was provided in the Northwest Herald and explained the purpose of the hearing. He then invited public questions and comments. There were no questions or comments from the public and the hearing closed at 7:36 p.m.

APPROPRIATIONS ORDINANCE - Trustee Sisk moved to approve Ordinance 14-15-05 Making Appropriations for General Corporate Purposes for the Village of Johnsburg beginning May 1, 2014 and Ending April 30, 2015. Trustee Huemann seconded the motion. All Trustees present voted aye on the roll. Motion carried.

COMMERCIAL GARBAGE ENCLOSURES - Trustee Janusz asked for direction regarding the requirement of enclosures for commercial garbage containers. President Hettermann stated that he believes they are needed and asked the Ordinance Committee to make a recommendation to the board regulating them. Trustee McEvoy concurred.

RECESS FOR EXECUTIVE SESSION – Trustee McEvoy moved to go into Closed Session regarding probable and imminent litigation. Trustee Sisk seconded the motion. All Trustees voted aye on the roll. Motion carried at 7:43 p.m.

RETURN TO REGULAR SESSION – Trustee Janusz moved to return to regular session. Trustee Sisk seconded the motion. All Trustees voted aye on the roll. Motion carried at 8:42 p.m.

ADJOURNMENT – Trustee McEvoy moved to adjourn the meeting. Trustee Huemann seconded the motion. All Trustees voted aye. Motion carried at 8:42 p.m.

Respectfully Submitted

Claudett E. Peters
Village Administrator