

**VILLAGE OF JOHNSBURG  
MAY 18, 2021 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 Tom Curry  
Trustee Beth Foreman  
Trustee Josh Hagen (absent)  
Trustee Greg Klemstein  
Trustee Kyle Frost  
Trustee Scott Letzter  
Village Engineer Tim Hartnett (absent)  
Assistant Administrator Vinny Lamontagna  
Police Chief Keith VonAllmen (absent)  
Village Attorney Michael Smoron  
Special Projects Coordinator Rick Quinn

**AUDIENCE PARTICIPATION** - Lee and Mary Steinsdoerfer of 3929 Shiloh Drive attended to express their concerns regarding the disruptive activity they have witnessed associated with the use of UTV's in the Village. They questioned why the Village is allowing UTV's on the roadway and remarked that they are traveling throughout their subdivision at excessive speeds. They described experiences they have had in which people in UTV's have traveled through their neighborhood late at night playing loud music, honking their horns and behaving in a disruptive manner. They expressed concern with how the activity is changing the town, resulting in a divided community and questioned how the activity will be restricted. They remarked that Johnsburg is becoming a very loud community.

Len Keil of 4211 Jay Street attended to request deer crossing signs on Alexander Blvd. He remarked that the deer population in the area is high and recalled a recent incident in which a deer was badly hit by a vehicle. Mr. Keil also requested additional patrols by the police to address the excessive speeding experienced in the neighborhood.

Jim Barrett 3310 Chellington Drive, attended on behalf of a golf cart club that recently held an event to raise funds to help offset the cost of signage and path improvements for non-highway vehicles. He presented the Village with checks totaling \$9000 which was raised at an event held the previous week.

**OMNIBUS AGENDA** – Trustee Foreman moved to approve the Omnibus Agenda. Trustee Frost seconded the motion. All trustees present voted aye on the roll. Motion carried.

- Move to approve the minutes of the May 4, 2021 Regular Meeting of the President and Board of Trustees
- Move to appoint the Planning and Zoning Commission as a Special Zoning Commission to consider text amendments to Section 7.2, Fences of the Johnsburg Zoning Ordinance.

• <b><u>Disbursements</u></b>	
• General Fund	\$ 80,519.44
• MFT	
• Waterworks & Sewage Fund	\$ 6,643.29
• Land and Building	\$ 25,467.04
• Golf Course Fund	
• Debt Service/SSA Fund	
• Total All Funds	\$ 112,629.77

**PRESIDENT'S REPORT** - President Hettermann made Staff and Committee appointments, noting that Daniel Loud is being moved from the Development and Governmental Affairs Committee to fill the vacancy on the Planning and Zoning Commission, which is where his original interests lie. He added that no additional changes are being made but pointed out that two members are needed for the Development and Governmental Affairs Committee and encouraged recommendations from the Board.

## **NEW BUSINESS**

**FENCE VARIANCES** – The Board performed a first read of two ordinances - Ordinance 21-22-02 related to 802 River Terrace Drive and 21-22-03 related to 1020 River Terrace Drive. Both residents are requesting fences in the front yard on waterfront property. The ordinances will be included on the next agenda for consideration.

**ORDINANCE 21-22-01** - The Board discussed amendments to Chapter 8 of the Johnsburg Municipal Code related to operations of non-highway vehicles in the parks. President Hettermann explained that the intent behind the amendments to the ordinance is to bring community together. He discussed the use of the vehicles in appropriate areas within the parks and added that the Johnsburg Community Club supports a path on the edge of their property so that a connection can be made to the path in Rescue Squad Park.

Trustee Frost reported that the Ordinance Committee has been reviewing the matter and the members do not support the use of non-highway vehicles in the interior of Hiller Park. He explained that the Committee supports the east/west path from Heather Lane to the parking lot with a designated parking area immediately off of the path adjacent to the football field. President Hettermann expressed that the north/south path on the far east side of Hiller Park could be used for non-highway vehicles as well. He stated that he is in the park frequently and has never experienced anyone being disrespectful and added that this is the first he has heard that noise associated with non-highway vehicle use is a problem. Trustee Frost reiterated the committee's recommendation to limit the use in Hiller Park to the east/west path running from Heather Lane to the parking lot and added that the Committee expressed that they will be monitoring the activity monthly and additional changes can be made in the future if deemed appropriate based upon what is experienced. He explained that the Committee is concerned with the use of the path on the east side of the park because it is frequented by runners and pedestrians. Trustee Foreman remarked that Heather Lane provides easy access to Dakota Ridge which can be used to reach the ballfields on the north side of the park.

Trustee Curry questioned the remark that persons using non-highway vehicles in Hiller Park have not been observed behaving in a disrespectful manner, pointing out that as they drive into the park, they pass signage that prohibits them from entering the park.

Trustee Foreman remarked that she is a golf cart owner but pointed out that the Board needs to represent everyone in the village including those that do not have golf carts. She added that the activity started with golf cart use on the roads and now we are experiencing loud UTV's traveling throughout the Village. Trustee Foreman offered that when the Village creates parks, they are not created for golf carts and UTVs, they are created for baseball and other sports activities. She added that the Village needs to provide access to get the carts to the parks but she does not believe they belong in the parks.

Mrs. Steinsdoerfer remarked that it has been said that people are moving to the Village because they are allowed to drive their non-highway vehicles throughout town, which means we will see an increase in the disruptive activity. She stated that the Village needs to be mindful of how the activity affects other people and expressed that she does not believe the golf carts are the problem, but rather the loud UTV's. A resident in attendance suggested that the Village look at other communities to see what is allowed. She questioned when the Village expanded the use to UTV's as it was her understanding that the original intent was for golf cart usage. President Hettermann replied that UTVs have always been allowed.

Trustee Frost expressed that it is important that organizations like the golf cart clubs help by getting the word out to their members about the regulations and enforcement. He agreed that the Board needs to represent everyone in the Village.

Trustee Curry commented that there is a lot of discussion about protecting the privilege of non-highway vehicle use, but no one is talking about taking the privilege away. President Hettermann remarked that if there hasn't been a problem with the current use, he believes the Village should continue to allow them to use the paths along the perimeter of the park. He stated that it is rumored that the Village plans to disallow UTV's, which is not true, but if they become a problem, the Village will have to revisit the matter.

Trustee Foreman stated that a lot of people use Hiller Park paths for walking but she has not observed a lot of people using the path from Heather Lane so that path could be used for non-highway vehicle uses. She cautioned that if we begin to allow their use in the parks, the activity will increase and accidents will be more likely.

Mrs. Steinsdoerfer discussed a situation in which the police were called to respond to disruptive activity taking place on the school's vacant property and the responding officer remarked that they receive so many calls and complaints about the activity it is difficult to enforce and suggested they reach out to the Village with their concerns. A resident in attendance expressed that oftentimes the disruptive activity experienced is from ATV use, which is prohibited.

Michael Fouke of 1504 Seville Court stated that he worked in the motorsport industry for years and in his experience much of the problem is people not knowing about the vehicles and therefore they are unable to distinguish between an ATV and UTV. He offered his assistance in developing ordinances to address the use and regulate adjustments made to vehicles affecting their noise output. The Board questioned if the vehicles can be adjusted to run quieter. Mr. Fouke stated that they cannot be adjusted down but they can be adjusted to be louder.

Sue Giese of River Terrace Drive stated that she has been actively involved in the local snowmobile organization for years and explained that there are ordinances that can be established to limit noise. She added that the Village will experience individuals that will not comply with regulations and people should be cautious and not try to police the matter themselves as some people can become violent. She explained that as a citizen you have no right to detain someone, only police can perform enforcement.

Trustee Letzter questioned the liability of the activity on private property. Ms. Giese stated that it is her understanding if permission is granted by the property owner and no payment is received for the permission, there is no liability. She added that snow mobile clubs carry insurance and require all of the members to have insurance.

Case Lane of 3302 Chellington Drive resident in attendance questioned how the Village is informing the community about the allowance of non-highway vehicles in the community. He remarked that the users of the vehicles are aware of the regulations but the Village needs to make more effort to insure that the community at large is informed of the regulations. President Hettermann stated that the Village can do more to communicate about the activity. He explained that the Village is developing a map and looking into the creation of an app. The resident remarked that the map and app will be helpful to the non-highway vehicle users but the Village needs to reach out to the public at large to educate them about what is allowed.

Trustee Frost continued discussing the Ordinance Committee's recommendations and explained that they agreed no additional provisions are needed in Sunnyside Park as the vehicles can travel through the west parking lot to the path created leading away from the park towards Valmar Center. They also agreed that a designated parking area is not needed at the soccer fields at Sunnyside Park as they are only used for

practice and no games are held at Sunnyside Park. Trustee Curry questioned if the private property owners have been contacted about the use of their property for non-highway vehicle use. Assistant Administrator Lamontagna agreed to check with the owner of Valmar Center to insure that his permission is received before reflecting a path across the outlot adjacent to the Village's property.

Trustee Frost reported that the Committee recommended no paths or parking areas at the Hickory Way Pond property as visitors to the pond can park in the cul de sac. He added that he met with representatives from the Johnsborg Community Club and they have no objection to use of their property off of Johnsborg Road to develop a path, which will connect to the path in Rescue Squad Park. The representatives suggested a small stop sign by Johnsborg Road so people crossing to go to Halftime insure stopping before entering the road. Trustee Frost pointed out an area the Committee supported in Rescue Squad Park that could be used as a designated parking area.

Trustee Curry requested input from Attorney Smoron regarding enforcement and liability. Attorney Smoron stated that enforcement of ordinance of designated path could be challenging without the officer actually observing the violation and it would also be challenging to enforce a noise standard. He offered that another issue is the potential liability associated with injuries that could occur because of the activity being allowed in the parks. He explained that despite tort immunity protections, when a matter goes to court, there are often sympathies when someone gets hurt and it is unusual for a Village to be easily dismissed from litigation. Attorney Smoron suggested the Village discuss the matter with their insurance underwriter to determine the Village's potential risk. The Board further discussed potential risks and exposure of allowing the activity in the parks. Trustee Curry expressed that he feels more information is needed before making a decision and asked that input be obtained from the insurance underwriter. Trustee Foreman questioned if maps will be attached to the ordinance so everyone understands what is approved. Attorney Smoron stated the importance of having maps included in order for the Village to enforce the regulations.

The Board discussed approving the ordinance inclusive of the maps reflecting the Ordinance Committee's recommendations. President Hettermann questioned if the other designated paths need to be determined before the maps are finalized. Trustee Foreman stated that she feels the paths throughout town are a separate issue from the allowance in parks and the Ordinance before the Board is related to the use in parks. Discussion occurred about tabling the matter for input from the insurance underwriters and Village Administrator Sofiakis was asked to obtain their input. Trustee Klemstein expressed that because the summer months are approaching he feels the Village needs to get some regulations in place which can be amended in the future if needed. Trustee Foreman expressed concern regarding the potential liability and the need to have maps reflecting where the activity is allowed in the park. The Board further discussed the Ordinance Committee's recommendations and expressed concurrence with the designated locations in the parks. Trustee Klemstein moved to approve the Ordinance recommended by the Ordinance Committee. Trustee Frost seconded the motion. All Trustees present voted aye on the roll. Motion carried

**COMMITTEE REPORTS** – Trustee Foreman reported on plans for Burgers in the Burg. Ms. Sofiakis asked that the Board review the proposed marketing plan submitted to them for discussion and action at the next meeting.

**ADJOURNMENT** – Trustee Frost moved to adjourn the meeting. Trustee Letzter seconded the motion. All Trustees present voted aye on the roll. Motion carried at 9:37 p.m.

*Respectfully Submitted*

*Claudett Sofiakis  
Village Administrator*