

**VILLAGE OF JOHNSBURG
DECEMBER 3, 2024 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 Beth Foreman
Trustee Mike Fouke
Trustee Josh Hagen
Trustee Greg Klemstein
Trustee Scott Letzter
Trustee Jamie Morris
Village Administrator Claudett Sofiakis (*absent*)
Assistant Village Administrator Vinny Lamontagna
Chief of Police Jason Greenwald
Attorney Michael Smoron
Village Engineer Tim Hartnett (*absent*)
Special Projects Coordinator Rick Quinn

AUDIENCE PARTICIPATION:

Jay Puccinelli (514 Bald Knob Rd) expressed statements and comments to the Village Board that he has eight signatures of five residential homes regarding concerns, issues and nuisances being ignored for the recent owners and/or operators of the business at 614 Bald Knob Rd, The Backyard Bar and Marina. In summary, Mr. Puccinelli stated the police department has ignored his concerns and/or complaints, just recently during Thanksgiving timeframe the amplified music complaint was not addressed for compliance, and stated after police were called the amplified music got louder over the weekend. He stated he wants the establishment to be successful with prompt enforcement and a benefit to all residents.

Mark Adams (520 Bald Knob Rd) expressed statements and comments to the Village Board that said business at 614 Bald Knob Rd, The Backyard Bar and Marina has erected a temporary accessory structures which are currently not allowed according to ordinances. Additionally, he expressed current temporary structure has life safety issues that need to be addressed for compliance. He then provided copies to Board of Trustees of the complaint filed with Johnsburg Police Department.

Trustee Foreman inquired to participants what is different as prior to recent ownership of the business at 614 Bald Knob Rd, The Backyard Bar and Marina has always been a bar/restaurant type business establishment. Mr. Adams responded that in past ownership the owners were reachable and reasonable to surrounding neighbors and the current outside venue temporary structure and volume has increased under recent ownership.

Village President Hettermann clarified to present audience participants that the temporarily structure is being addressed. Village Board allowed Assistant Administrator Lamontagna to respond to audience participants as just days' prior, a formal notification letter and email correspondence was communicated to said location 614 Bald Knob Rd current owners for zoning and ordinance violations allowing time to comply, but to meet current guidelines with follow-up timelines for compliance.

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

- Move to approve the minutes of the November 19, 2024 Regular Meeting of the President and Board of Trustees
- Move to approve Ordinance 24-25-13 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 2024 Tax Year
- Move to approve Ordinance 24-25-14 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 2024 Tax Year
- Move to approve Ordinance 24-25-15 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 2024 Tax Year
- Move to approve Ordinance 24-25-16 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 2024 Tax Year
- Move to approve Ordinance 24-25-17 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 2024 Tax Year
- Move to approve Ordinance 24-25-18 Establishing a Tax Levy for Special Service Area #6 in the Village of Johnsburg for the 2024 Tax Year
- Move to approve Ordinance 24-25-19 Establishing a Tax Levy for Special Service Area #11 in the Village of Johnsburg for the 2024 Tax Year
- Move to approve Ordinance 24-25-20 Establishing a Tax Levy for Special Service Area #13 in the Village of Johnsburg for the 2024 Tax Year
- Move to approve Ordinance 24-25-21 Establishing a Tax Levy for Special Service Area #15 in the Village of Johnsburg for the 2024 Tax Year
- Move to approve Ordinance 24-25-22 Establishing a Tax Levy for Special Service Area #27 in the Village of Johnsburg for the 2024 Tax Year
- Move to approve Ordinance 24-25-23 Establishing a Levy for Special Service Area #28 in the Village of Johnsburg for the 2024 Tax Year
- Move to approve Ordinance 24-25-24 Establishing a Tax Levy for Special Service Area #32 in the Village of Johnsburg for the 2024 Tax Year
- Move to approve Ordinance 24-25-25 Establishing a Tax Levy for Special Service Area #33 in the Village of Johnsburg for the 2024 Tax Year
- Move to accept proposal from Arthur J. Gallagher Risk Management Services, Inc. in the amount of \$139,251 for the Village's Property, Liability, Equipment Breakdown, Cyber, Crime and Worker's Compensation insurance.
- Move to approve Pay Request #4 from Joel Kennedy Constructing Corp in the amount of \$167,437.50 for the River Sewer Extension Project

- **Disbursements**

• General Fund	\$147,063.05
• Waterworks & Sewage Fund	\$194,305.79
• Total All Funds	\$341,368.84

PRESIDENT'S REPORT – Village President Hettermann reminded the trustees of the approaching annual Holiday Party for Village employees, Trustees, Committee members and significant others on approaching Friday evening sharing times and venue. Village President Hettermann then mentioned annual Holiday Magic Parade and Event details and referred to Trustee Fouke to further elaborate. Trustee Fouke was please to remind all Trustees of the approaching community event discussing times,

detail and needed information along with a committee recommendation to pursue a pyro/firework display at the tree lighting with sponsors that expressed interest to contributing. Trustee Hagen and Trustee Klemstein further expressed interest to donate to the pyro/firework show, thus reaching consensus of the Board to pursue entering agreement for firework show following the tree lighting for the community.

TRUTH AND TAXATION HEARING – Attorney Smoron opened the Truth and Taxation Hearing which has been published in advance regarding proposed levy of taxes for Village of Johnsburg for tax year 2024. Len Keil from the audience participation expressed in previous meeting the proposed rate was discussed and no further public was mentioned. Attorney Smoron closed the Truth and Taxation Hearing for public comment at approx. 7:21p and proceed forward with the ordinance before the Village Board.

ORDINANCE 24-25-12; AN ORDINANCE FOR THE LEVY OF TAXES FOR VILLAGE OF JOHNSBURG, MCHENRY COUNTY, ILLINOIS FOR THE TAX YEAR 2024 - Trustee Klemstein moved to approve Ordinance 24-25-12 an Ordinance for the Levy of Taxes for the Village of Johnsburg, McHenry County, Illinois for the Tax Year 2024. Trustee Morris seconded the motion. All Trustees voted aye on the roll. Motion carried.

ORDINANCE 24-25-11; AN ORDINANCE AMENDING CHAPTER 15.15, ADDING SECTION 15.16, AND REVISING THE NUMBERING OF THE PROVISIONS THEREAFTER OF THE JOHNSBURG MUNICIPAL CODE – Trustee Hagen moved to approve Ordinance 24-25-11 Amending Chapter 15 of the Johnsburg Municipal Code. Trustee Fouke seconded the motion. Discussion on the motion included an explanation and clarification that Trustee Fouke expressed with his research regarding seatbelt restraints for older dated models golf carts and golf carts in general, but UTVs are designed by manufactures to obtain the impact and procedure from the machine support for impact. His concern was golf carts are not designed for impact, but to bail away from a potential collision. Additionally, Trustee Fouke stated the State of Illinois offers an Affirmation for Low-Speed Vehicle thus avoid registering for permitted non-highway vehicle use for Village of Johnsburg and registering with the State of Illinois LSV registration rating. Trustee Fouke expressed concerns regarding constraint seatbelts in a golf cart that has no structural support for impact/rolling and offered his findings to alternate compromise to address safety concerns to rear passengers in rear facing to be seatbelted to address the concern Trustee Morris expressed from his ordinance committee and this ordinance development. Trustee Morris commented that for a LSV registration with state, then they would require seatbelts. Trustee followed up with response regarding speed limitations specific per federal regulations. Assistant Administration Lamontagna commented further requirements regarding LSVs as some additional requirements would be Federal Safety Standards and CRF windshield requirements to include permitted road use of LSV verse non-highway vehicles are allowed to travel on and cross different speed limit rated roads.

Trustee Letzter requested clarification how seatbelts would be enforced. Chief Greenwald provided clarification that seatbelt enforcement is a secondary enforcement, but would look further into the matter regarding ILCS. Village President Hettermann reiterated that a reason for a stop would some sort of road violation and the seatbelt compliance would be secondary to the stop. Trustee Foreman explained from the safety aspect of a previous roll-over the gentlemen in golf cart was able to separate himself from the roll over, but if seat belted would on been restrained and rolled within the golf cart. Chief Greenwald commented that the design was for courses, but since permitted on roadways as non-highway vehicle they should be fitted with seatbelts. Trustee Fouke requested an alternate modification specific to seatbelts for rear facing passengers, being the concern from Trustee Morris and ordinance committee. Trustee Hagen commented on children in passenger seats presents, even if forward facing are not secure and exposed. Trustee Fouke provided clarification similar to trail use regulations and specific mandate requirements for age restrictions be further looked into.

Trustee Fouke also provided the increase and burden it would cause on owners of non-highway vehicles as some permitted golf carts are not direct fit connect, would require additional modifications and time increase to be adaptable. Village President Hettermann expressed a older model clause for some golf carts, but the increase expense related to adapting would not be considered, its permitted use and could be outfitted. Discussion from the Board narrowed the seatbelt requirement to be lap belted, not a harness or should strapped seat belt. Trustee Hagen expressed the safety concerns and commented this being a privilege, thus doing whatever can be done to offering this activity as safe as possible. Trustee Morris further explained his interest is for the protection of the activity, he and others have witnessed concerns that need to be addressed, wants a proactive look into non-highway vehicle use in Village as the activity is growing in registrations. Trustee Hagen and Trustee Letzter expressed implementation of seatbelts encompass seating arrangements and age restrictions. Trustee Fouke concurred with addressing the concerns presented based on reasoning for amending non-highway vehicles. Trustee Letzter and Trustee Foreman agreed to ordinance language changes identifying safety improvements and updating the ordinance to reflecting seatbelts based on seating arrangements, manufactures and small step approach to non-highway vehicle use in Village. All Trustees agreed the safety being the major reasoning for amending non-highway vehicles ordinance.

Attorney Smoron stated that the language could be changed to reflect seatbelts, age restrictions being applied to passengers needing seatbelts adapted and different seating arrangements. The board agreed to table said action on the matter to the next meeting so that the additional changes and legal clarification can be incorporated into the Ordinance.

Village President Hettermann expressed to the board next meeting dates in the start of 2025, returning back in January 2025 back to 1st and 3rd Tuesday of the month and a Committee of the Whole meeting in January.

ADJOURNMENT – Trustee Hagen moved to adjourn the meeting. Trustee Klemstein seconded the motion. All Trustees voted aye on the roll. Motion carried at 8:25 p.m.

Respectfully Submitted,

Vinny Lamontagna
Village Assistant Administrator