

**VILLAGE OF JOHNSBURG  
JANUARY 7, 2025 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  
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:** Susan Shaw of 1818 River Terrace Drive attended to share her concerns regarding the condition of her road, River Terrace Drive, on which 16 homes are situated. She indicated that the road is in generally poor condition and a neighbor has cut the road and taken chunks out of it. Ms. Shaw expressed a desire for a written agreement preventing someone from breaking up the road and to have the damaged areas patched. She stated that upon completion of the Village's lift station project, portions of the road were repaved but only patching was done by her road.

President Hettermann explained that her road is a non-dedicated road owned by the property owners residing the road. Attorney Smoron explained that there are Supreme Court cases which support that a subdivision plat needs to provide for the road to be dedicated and the Village needs to accept the road before it becomes a dedicated road maintained by the Village. He added that if the subdivider is no longer around and the road has not been dedicated to and accepted by the Village, each property owner owns to the middle of the road. He explained that if someone is interfering with the road, the Village does not have legal standing on the road and therefore the police cannot issue tickets for someone altering it. President Hettermann stated that he met with Ms. Shaw in the past and discussed options to upgrade her road. He encouraged her and some of her neighbors meet with Village representatives to further discuss options they have for improving their road.

Ms. Shaw stated that there is nothing on her title to indicate her road is private. Trustee Klemstein stated that the title policy should reflect it and the realtor should advise interested buyers that it is a private road. He pointed out that sewers are now available to the area as well. President Hettermann explained the SSA process and the need for a petition reflecting support for the project before the Village can proceed.

Discussion continued regarding the road restoration that was done in follow up to the lift station construction and it was pointed out that the areas affected by the construction were repaired because of the damage caused by the heavy equipment associated with the construction activity.

President Hettermann again encouraged Ms. Shaw to gather some neighborhood representatives to meet with the Village to further discuss options. Trustee Letzter questioned if a majority of the neighbors share a desire to improve the road. Another neighbor in attendance stated that there has been varying support for road repairs in the past and at times some could not afford the cost of the repairs.

Rob Bryson of 28792 Manitoba Trail, McHenry attended as a member of the Pistakee Yacht Club to speak to the Board regarding the ongoing litigation between the Village and the Yacht Club. He stated that he does not believe a strong and mutual relationship is possible between the Village and the Yacht Club and added that if Johnsbug wins, the Village will lose the Yacht Club and Sailing School. Mr. Bryson asked the Board to read the repleading of the case. He stated that it is up to the Village to change the direction of the matter.

Trustee Letzter questioned the point Mr. Bryson was attempting to make and emphasized that the Village tried to settle the matter for months. President Hettermann concurred and remarked regarding all of the efforts that have been made by the Village to try to resolve the matter. He pointed out that everything the Club asked for the Village tried to cooperate with. He stated that the Village Board has repeatedly stated they don't want to see the Yacht Club and Sailing School go away and discussed in detail all of the efforts made to date and the numerous meetings held to try to resolve the matter. President Hettermann stated that going back many years the property had turned into a junk yard and the Village had to help clean it up, but it once again turned into a junk yard. He explained that the Village is trying to avoid it turning into a junk yard again. He remarked that if the Club had been responsible with its property and kept it neat and orderly, it would likely not have turned into an issue.

Mr. Bryson stated that the Board needs to change its attitude. Trustee Letzter responded that the board sat through three executive sessions, coming out of each thinking that an agreement was reached by incorporating the terms the Yacht Club wanted. President Hettermann added that all but one board member who was involved in the suit, sat through several meetings to try to resolve the matter. He further discussed the numerous meetings held with different members of the Yacht Club beginning with the first meeting held with Trusee Hagen and Mark O'Malley.

Trustee Klemstein questioned what the Yacht Club found problematic with the agreement. Mr. Bryson responded that he could not negotiate on behalf of the Yacht Club. Trustee Klemstein stated that the Village did what was asked by the Yacht Club but the Yacht Club members kept changing their mind. Mr. Bryson stated that when the members reviewed the agreement they decided they could't execute it as they could easily be in breach of contract because they would not be able to carry out the terms of the agreement. President Hettermann questioned how many lawyers had been involved in the litigation on behalf of the Yacht Club. Attorney Smoron responded to President Hettermann stating that five attorneys have been involved. President Hettermann stated that the money the Yacht Club spent to date on lawyers could have been spent to clean up the property many times.

Mr. Bryson stated that the Club didn't expect that the efforts would turn into a fifteen page contract. President Hettermann pointed out that the Yacht Club representatives negotiating the terms contributed to the drafting of the agreement. Mr. Bryson stated that he wants the matter to be done but it needs to be done in a way that the Club can survive. President Hettermann asked what the Yacht Club needed for that to happen. Mr. Bryson stated that when reviewing the agreement the members began questioning who was going to carry out the terms of the agreement and who would pay for it. President Hettermann explained that the details were included in the agreement because the property twice before turned into a junk yard and the Village wants to insure that does not occur again. Mr. Bryson stated that the agreement resulted in the Village having complete control of the club by dictating the number of boats allowed. President Hettermann replied that the Yacht Club wants to be able to do whatever it wants and not be accountable to anyone. He invited the members to work with the Village to settle the matter. Trustee Foreman stated that the message the Yacht Club is spreading is that the Village is trying to close it down, which is not fair nor accurate. Mr. Bryson again stated that when looking at the agreement terms that were negotiated, the members determine they could not sign it. Trustee Foreman questioned what part of the agreement was problematic as it included terms such as weed whipping around the boats and trailers

and planting arborvitae. Mr. Bryson stated that they determined they would have to remove 60 trees. Trustee Klemstein offered to assist the Yacht Club by reviewing their finances and provide suggestions to help out.

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

- Move to approve the minutes of the December 3, 2024 Regular Meeting of the President and Board of Trustees
- Move to approve Ordinance 24-25-26 Amending Chapter 33, Construction of Utility Facilities in the Rights-of-Way to Provide for the Regulation of Small Wireless Facilities.
- Move to approve Professional Service Agreement with HR Green in the amount of \$86,350 for preliminary engineering and construction engineering services related to the 2025 Road Program.
- **Disbursements**
- General Fund                               \$930,478.30
- MFT   \$
- Waterworks & Sewage Fund       \$149,007.50
- Golf Course Fund                             \$
- Debt Service/SSA Fund                     \$ 5,091.92
- Total All Funds                               \$1,084,577.72

**ORDINANCE 24-25-11 AMENDING CHAPTER 15 OF THE JOHNSBURG MUNICIPAL CODE**

The Board further reviewed the proposed ordinance amendments. President Hettermann suggested that the detailed language in Paragraph D be removed and instead included references to the State’s statute. The Board expressed concurrence with the suggestion. Village Administrator Sofiakis stated she would update the ordinance to reflect that change and provide it to the Board for review so that the ordinance could be placed on the Omnibus Agenda on the next meeting agenda.

**ADJOURNMENT** – Trustee Fouke moved to adjourn the meeting. Trustee Hagen seconded the motion. All Trustees voted aye on the roll. Motion carried at 8:50 p.m.

Respectfully Submitted,

*Claudett Sofiakis*  
*Village Administrator*