

**VILLAGE OF JOHNSBURG
JANUARY 21, 2025 REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:02 p.m. in the Village Hall.

Attendees

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

AUDIENCE PARTICIPATION:

Tom Curry of 2017 Camden Court attended regarding a recent inspection of a dumpster on his property by the Village's community service officer. He questioned the Village's policy regarding the inspection of private property. President Hettermann stated that he directed the officer to follow up on a concern he received regarding work being done on the property and whether a permit had been issued. Mr. Curry questioned if that was a common practice. President Hettermann stated that it is.

Tom Kartheiser 2885 Bay Meadow attended to share history of the Yacht Club and ongoing litigation's threat to its existence. He further discussed the sailing school and the success of its students.

Rob Bryson of 28792 W. Manitoba Trail attended to discuss recent filings in the Yacht Club's ongoing litigation. He remarked that the village's administration has taken over the direction of what's happening in court and the board has power to change the direction of the suit. President Hettermann questioned if anyone on the board felt uninformed about the ongoing litigation. No board member responded that they were uninformed.

Sylvia Bryson of 28792 W. Manitoba Trail attended to discuss the history of the Yacht Club and the acquisition of the back lot. She stated that she obtained signatures from neighbors in support of the club but it appears that the Village Board is not interested in what the neighbors want. President Hettermann responded that the Board has repeatedly stated that they do not want the Yacht Club and sailing school to go away. He reiterated that the problem began when the property again turned into a junk yard and if it had been properly maintained it would likely not have become an issue. He again discussed the efforts pursued by the Village to work with Yacht Club and the many meetings held to try and resolve the matter beginning with the first meeting he had with Mark O'Malley and Trustee Hagen. He discussed the additional meeting held with Commodore Mary O'Malley and Vice Commodore Laura King in an effort to develop an agreement and the many drafts developed to incorporate additional changes requested by the Yacht Club.

Ronald Zimmerman of 3612 Grant Dr attended to discuss the Kelley's Market proposal. He expressed concerns with its impact on the neighboring gas station and traffic in the area. He further expressed

concern with the proposed 24 hour operations, fumes and impacts to air and water quality. He stated that he is not against the gas station but he does not believe it should be next to a residential subdivision.

Maryanne Sienkiewicz of Buchanon expressed agreement with statements made by Mr. Zimmermann and shared her concerns with the impact the development could have on property values. She stated that the development will take away from her neighborhood and questioned what her neighborhood would get in return. She stated that property values in the area have already gone down due to the apartments. Trustee Foreman questioned why she feels the apartments have impacted her property value. Ms. Sienkiewicz stated that she attended a meeting at which she heard about a home on Cherokee that sold at a greatly reduced price. She added that based on research she had done, if there is a gas station located within 800 feet of a property, its value will go down.

Heather Chappel of 3500 W. Johnsburg Road stated that traffic is bad in the area currently and by adding the gas station it will get worse. She added that she does not support the proposed 24 hour operations. She expressed concern with residents living in the apartments walking across the street to the development and the added crime that it will bring. She stated that if they want to allow the use on the corner parcel already zoned B-2 that is fine but asked that they do not zone the parcel on Hamlin B-2 and that they do not allow the car wash as there is no need for a car wash. She suggested that sanctions be placed on the neighboring gas station to make them clean up the property instead.

Justin Morningstar of 3715 Hamlin Drive expressed that he doesn't support the gas station on both properties. He stated that he understands it could currently be placed on one of the lots but asked that the board not change the zoning on the other lot. He stated that as a former fuel truck driver he is concerned that fuel trucks accessing from Route 31 will likely exit via Hamlin Dr. He questioned why McHenry County is shutting down the existing access from the parcels onto Johnsburg Road. He stated that he is against a gas station but understands that one of the lots is zoned appropriately for it.

Sally Beake of 3718 Claremont asked the board to travel through the subdivision at different times of the day to understand what they are dealing with. She stated that the Village has been a wonderful place for a very long time and asked that the Board maintain the things that have made Johnsburg great all these years. She suggested that the petitioners consider the former Miller's Hayloft property.

Laura Mosely of 3615 Garfield Road asked the Board not approve the zoning change from B-1 to B-2. She expressed concern with the impact the development will have on her neighborhood and the traffic impact on the access to her subdivision. She stated that she is concerned with a 36 feet wide drive on a residential street and the impact of delivery trucks. She questioned the development's compliance with Village ordinances and questioned if Kelley's Market is experienced in developing next to a residential area. She discussed the noise she experienced from their car wash while visiting the Huntley location and expressed concern with its 24 hour operations. She questioned the impact of lighting over the gas pumps and stated she doesn't believe that a gas station is the right fit for the B-1 lot.

Cindy Jacob provided the Village information she obtained researching the impact of gas stations and stated that property values decrease when adjacent to a gas station. She discussed traffic impacts and challenges that currently exist and questioned how the traffic study could have taken into consideration the workforce housing when it was not fully occupied. She expressed concerns with safety as there are no sidewalks or lighting in her subdivision and opined that the Village doesn't need another gas station. She added that according to the study she reviewed, crime will increase 6% and questioned if the police department can handle the impact. She stated that she does not believe the gas station is the right fit for the property.

Andrew McDermund attended to express concern with traffic and impacts on Hamlin Dr. He stated that he is currently concerned with his kids being in the front yard let alone the street. He stated that he works in an environmental field and is worried about runoff from development related to gas spills.

OMNIBUS AGENDA – Trustee Morris moved to approve the Omnibus Agenda. Trustee Foreman seconded the motion. Trustee Hagen questioned the payment to Pavement Solution for non-highway vehicle paths. President Hettermann confirmed that it was for the work performed at the end of Ernest by school. All Trustees voted aye on the roll. Motion carried.

- Move to approve the minutes of the January 7, 2025 Regular Meeting of the President and Board of Trustees
- Move to approve Pay Request # 5 in the amount \$102,525.38 to Joel Kennedy Constructing Corp for the River Sewer Extension Project.
- Move to approve Ordinance 24-25-11 An Ordinance Amending Chapter 15.15 Operation of Non-ighway Vehicles on Village Streets; adding Section 15.16 Operation of Prohibited or Unlicensed Non-Highway Vehicles; and revising the numbering of the provisions thereafter of the Johnsburg Municipal Code
- **Disbursements**
- General Fund \$186,001.12
- MFT \$
- Waterworks & Sewage Fund \$ 4,925.10
- Golf Course Fund \$
- Debt Service/SSA Fund \$ 2,952.50
- Total All Funds \$193,878.72

PRESIDENT’S REPORT – President Hettermann reported that Jessica Johnson has been appointed to the Development and Governmental Affairs Committee to fill the seat vacated by Dick Doyle.

KELLEY’S MARKET – First Read Ordinance 24-25-27 An Ordinance Rezoning the Property Commonly Known as 3614 W. Road from Village of Johnsburg B-1 Business District to Village of Johnsburg B-2 Business District and Granting a Special Use Permit for Planned Development to Accommodate a Convenience Store Featuring a Restaurant, Car Wash and Fuel Sales for the Properties Commonly Known as 3614 W. Johnsburg Road and 3602 N. Richmond Road in the Village of Johnsburg,

Attorney Carl Eckland introduced Kelley Williamson Company’s President Clif Morris President, Operations Manager Suzanne Dorsey Sterling and the engineer on the project Ryan Swanson of Arc Design. Mr. Swanson discussed the project and how it has evolved over several months working with the Village MCDOT, and IDOT and hearing neighbor’s concerns. He reviewed the site layout and access points as well as additional right of way being sought by the County. He identified the sidewalk included along all roads abutting the site and stated that the traffic study did include all adjacent areas including the workforce housing. He explained that although the housing development was not fully occupied, traffic projections were used based on their experience with similar uses. Mr. Swanson stated that direct access to Johnsburg Road will not be allowed because of the turn lanes on Route 31 in that location creating too many turning movements. He stated that the traffic study was done in October of 2024 and trips were added for the workforce housing fully occupied. He added that they incorporated the traffic counts at peak hours as well.

Mr. Swanson discussed the widening and reconstruction of Hamlin to better accommodate vehicle travel and provide sufficient stacking for six vehicles in both left and right turn lanes onto Johnsburg Road. The addition of a right turn lane will provide for improved traffic flow separate from left turn traffic waiting to turn onto Johnsburg Road. He also identified the lengthening of a right decel lane on Johnsburg Road.

Mr. Swanson reviewed exhibits depicting the site lines from neighboring properties and identified fencing and arborvitaes incorporated behind the building. He discussed the grade difference from the neighboring side yard of the property behind the development and what would be visible after the placement of the retaining wall, fencing and arborvitaes. He remarked that the retaining wall was further extended to block the car wash from an adjacent neighbor. Mr. Swanson discussed proposed landscape screening for the property to the east and stated that he met with the property owner on Friday. He stated that the owner has not yet approved the landscaping but it was proposed to him for added screening from traffic leaving the site onto Hamlin.

Letzter questioned the sidewalk extension on Hamlin. Mr. Swanson pointed out the sidewalks included along all road frontages. Trustee Klemstein discussed the distance from right turn exit onto Route 31 to the neighboring property line. Trustee Letzter remarked that the proposed 24 hour operation appears to be one of the more significant concerns along with traffic impacts on Hamlin. Ms. Dorsey Sterling explained that when a new store is first opened they establish 24 hour operations and later evaluate to determine if there is sufficient activity to support the ongoing need for 24 hour operations. Trustee Letzter remarked that the added turn lane existing from Hamlin may help the current traffic issues at the intersection. He questioned if 24 hour operations for the car wash could be reconsidered. Mr. Morris discussed the decibel study performed by the manufacturer of the car wash and explained that it operates with 4 - 15hp motors resulting in a decibel level of 60. He added that most of the noise is contained inside building. President Hettermann questioned if the car wash is similar to the one in Belvidere and if the water is recycled. Ms. Dorsey Sterling stated that it is similar but upgraded and more efficient and confirmed that the water is recycled. Trustee Hagen questioned the number of trips in and out during peak hours. Mr. Swanson stated they estimate 97 trips in and out during peak hours. He further stated that conservative estimates indicate that 60% of the persons visiting the store are persons currently traveling through the area.

Mr. Swanson discussed the underground detention for the site and how storm water runoff is managed. Trustee Klemstein questioned the location of the HVAC units, Mr. Swanson stated that they are behind building shielded by fence. He added that there are some other mechanicals screened on the roof. He pointed out the location of the trash enclosure and confirmed that it is constructed on three sides with brick and includes a gate closure.

Trustee Hagen questioned the lighting on the back of the building. Mr. Swanson stated that it is security lighting located under the soffit and cast downward. President Hettermann asked for concurrence that all lights cast downward. Mr. Swanson confirmed that it does and stated that LED lighting is utilized which is more easily programmable.

Trustee Hagen asked if the plan is still undergoing review by MCDot and IDOT. Mr. Swanson confirmed that it is. Trustee Hagen questioned if changes are expected. Mr. Swanson stated that a conceptual review was already done by IDOT and they do anticipate changes from them. He added that MCDot may require the extension of the decel lane but he doesn't anticipate significant changes. Trustee Foreman questioned if pedestrians are a component of what is considered. Mr. Swanson confirmed that agency reviews typically do include pedestrians. Trustee Foreman questioned who controls the timing on the traffic signals. Mr. Hartnett stated that IDOT regulates the timing and explained that the traffic flow along the State route takes precedence to keep traffic moving. Trustee Foreman questioned what type of traffic load would warrant improvements at the intersection at Route 31. Mr. Hartnett stated that IDOT

would make the determination but it currently doesn't warrant an improvement. Trustees Klemstein and Foreman remarked that the timing established for traffic leaving the Township's senior center appears to receive extended time with less traffic generated from that direction. Trustee Foreman questioned if the Village can ask IDOT to look at the timing of the signals at the intersection to determine if adjustments can be made. Mr. Hartnett stated that the Village could make that request and Ms. Sofiakis has already discussed that with him. Trustee Hagen questioned if there is an estimated date for when a response is expected from the other agencies. Mr. Swanson stated that it is unknown and IDOT will likely take longer than MCDot.

Trustee Foreman stated that she has been traveling the area to observe the traffic around Hamlin and hasn't encountered vehicle backups. She questioned the busiest times at the intersection. A resident in attendance offered that 2:00-6:00 p.m. and the mornings are the busiest. She added that she experiences difficulty getting into the subdivision during those peak hours. Trustee Foreman explained that she is trying to understand current peak hours and what the peak times are expected from Kelley's Market. Ms. Dorsey Sterling stated that the peak hours are typically when people are heading to and from work. Trustee Foreman questioned if people currently travel down Hamlin to get to I Am I Can. Residents in attendance confirmed that they do. Another resident remarked that it is difficult to turn southbound onto Route 31 from Grant Dr. and that some travelers will use Hamlin as a cut through to get to Grant so that they can turn northbound on Route 31 when traffic is backed up at the light. Trustee Foreman questioned if the petitioner considered another location and what drew them to the subject property. Mr. Morris stated that the corridor is ideal and in studying the area there is a need.

Trustee Foreman questioned the proposed fence material. Mr. Swanson stated that it is a high quality, low maintenance PVC. Trustee Foreman questioned how the property size compares with other locations. Mr. Swanson stated that it varies, some are larger, but many are similar in size. President Hettermann asked for confirmation that the arborvitae will be planted along the entire back of the property, in front of the retaining wall too. Mr. Swanson confirmed that they will be. A resident questioned if all of the deliveries will be conducted from Route 31. Ms. Dorsey Sterling stated that the goal is to have delivery traffic exist and enter onto Route 31 whenever possible and they are willing to place signage on Hamlin to discourage deliveries from entering and leaving the site from Hamlin. Mr. Eckland stated that it would be difficult to strictly prohibit deliveries from Hamlin as it is hard to police and there may be substitute drivers for vendors from time to time who are unaware of the restriction.

Trustee Letzter questioned the location of the underground fuel tanks. Mr. Swanson pointed out the location and explained that the fuel trucks can circulate on site under canopies. He added that they do not deliver during peak times. Trustee Foreman questioned the distance of the fuel tanks from the day care facility. Mr. Swanson stated that they are more than 300 feet. Mr. Morris discussed the construction of the tanks and the code requirements associated with them. He explained that they are double walled and automatic shut offs are incorporated into the design. He stated that they have never had any leaks or tank releases. Ms. Dorsey Sterling discussed the frequency of inspections. Mr. Swanson reviewed an exhibit and discussed the safe guards relating to the fuel tanks, sensors, check ports, dispensers, and automatic shut offs.

Trustee Foreman questioned how many people will be employed. Mr. Morris provided some history and information regarding the Kelley Williamson Company. He stated that they are a family owned business that will be celebrating their 100th year anniversary in 2026. He explained that Kelley's Market is a convenience store with multiple offerings including a restaurant and other food service items, groceries and pet supplies, a car wash, gaming and fuel. Mr. Morris stated that they are committing a \$9 Million investment into project and clarified that they have not requested any incentives, tax abatements or revenue sharing from the Village. He stated that sales tax revenues derived from the operations are anticipated to be \$500,000-600,000, plus property taxes between \$50,000-\$60,000 and gaming revenues

of \$30,000 \$35,000. Mr. Morris discussed the employment opportunities the business will bring to Johnsborg which includes 30-40 new jobs that offer flexible schedules. He stated that the pay is above minimum wage with full benefits including profit sharing programs. Mr. Morris discussed how the company gives back to the community and spoke of the many charitable programs Kelley Williamson participates in. He stated that their stores have the highest average cleanliness rating of all Mobile branded stores throughout US. He added that their 52 stores have an average 99.2% cleanliness rating which is over 10% higher than the US average. Mr. Morris explained that the facility will have a maintenance person whose sole focus is on keeping the store cleaned. President Hettermann vouched for Mr. Morris's statements and remarked that the Kelley's Market stores he frequents in Belvidere are very clean and nicely operated. Trustee Hagen questioned if the amount of sales tax revenues discussed were the Village's share. Mr. Morris confirmed that they are.

Trustee Morris questioned how stormwater runoff will be handled. Mr. Swanson discussed the underground storage tanks and discharge into the area stormwater system. Mr. Hartnett stated that he does not see any issues with stormwater as they will need to meet the Village's ordinance which incorporate the County's requirements. Mr. Hartnett discussed the area storm water that was calculated by their engineers and confirmed that the detention needs to account for a 100 year event.

Trustee Foreman questioned if the residents see any upside to the development. A resident in attendance stated that there are more down sides to the neighborhood as they are more directly impacted by the development. He further remarked about the changes he's experienced as development along Route 31 has occurred. Another resident stated that they don't object to the development they just don't support the location.

Trustee Foreman remarked that there are no perfect developments and discussed the importance of the intersection and its impact on growth for the community. She discussed the need for growth and added that the Village does not want it to negatively impact residents. She stated that she lives one block from the downtown Mobile and remarked positively about it, which is also in a residential neighborhood. She questioned if anyone could see the benefits associated with the development such as the employment opportunities with benefits. A resident remarked the he doesn't disagree with what Kelley Williamsons is proposing to do but he is concerned that the owner of the Marathon will not improve their business so it will likely shut down. President Hettermann pointed out the success of both the Shell and Thortons located next to each other at Route 120 and Chapel Hill Road and remarked that they both seem to be very busy. Trustee Letzter explained the Village has a finite amount of property to develop in the Route 31 corridor and emphasized the importance of being right in the decisions that are made regarding land uses. He discussed the importance certain businesses place on being located on key corners.

A resident questioned what the petitioners will do for the neighborhood. She remarked that there are no sidewalks and street lights in her subdivision and her roads need to be improved. She stated that the petitioner is putting in a sidewalk that stops short of going into the neighborhood. President Hettermann explained that as development comes, the Village requires sidewalks to be constructed on the development site even though they may not initially lead anywhere as eventually they will connect. The resident expressed concern for the safety of the children in the neighborhood as a result of the proposed development and because of the lack of lighting and sidewalks.

A resident stated that residents from the neighboring apartment complex use Cherokee Drive as a turnaround because they cannot make a left turn onto Johnsborg Road and others make an unauthorized left turn onto Johnsborg Road. President Hettermann explained that those are traffic enforcement issues that can be addressed. Another resident commented about the peace that is experienced when the Marathon shuts their lights down at night. President Hettermann explained that requirements regarding lighting are much different today and they are not allowed to project beyond the property line. Mr.

Morris explained that they utilize small LED eyebrow lights. He added that the goal is to have a safe environment that is not intrusive on neighbors.

A resident questioned how often the owners will come to Johnsbury to check on site. Ms. Dorsey Sterling stated that she will be at the store approximately once a week and the district manager will also be at the store once a week. A resident expressed preference to have something else on the property as they do not want to change the small town feel. Another resident in attendance stated that she does not live in the adjacent neighborhood but attended to show her support for the neighbors. She stated that she would prefer to have something else on the corner other than a gas station as there are enough gas stations in town.

ADJOURNMENT – Trustee Foreman moved to adjourn the meeting. Trustee Hagen seconded the motion. All Trustees voted aye on the roll. Motion carried at 9:20 p.m.

Respectfully Submitted,

Claudett Sofiakis
Village Administrator