

**VILLAGE OF JOHNSBURG
FEBRUARY 4, 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 (*absent*)
Assistant Village Administrator Vinny Lamontagna
Chief of Police Jason Greenwald
Attorney Michael Smoron
Village Engineer Tim Hartnett
Special Projects Coordinator Rick Quinn (*absent*)

AUDIENCE PARTICIPATION:

Carl Ecklund (Kelley Williamson Attorney representation) expressed statements of clarification for the Village Board of Trustee and President regarding his clients previous comments at the January 21st board meeting appearance. In summary, Attorney Ecklund clarified when his client stated \$500,000 in sales tax he was speaking towards sales revenue as a whole for the state and further detailed sharing that Village's portion would be in the approximate area of \$140,000 - \$150,000 annual to include portions of property tax with proposed improvements to the land would increase the assessment and projected annual gaming in the range of \$35,000.

Heather Chappel (3500 W. Johnsburg Rd) in audience expressed statements regarding her concerns by providing the board exhibits from fuel stations air pollutant exposures, zoning ordinance existing sections to highlight points, and a Kelley Markets existing locations for her statement and comments. Ms. Chappel explained she is a member of the community since 1992; the proposal of the development puts concerns upon her property and surrounding area. A forced financial burden to others and conflicts with Villages long term vision statements. Concerns and comments that the development does not promote public health with comments shared regarding benzene and ground water hazards, the safety of moral of the surrounding neighborhood and the general welfare being exposed to unnecessary hazards. Ms. Chappel further commented on congestion on public streets and the immediate area, the concern for fire and potential explosion jeopardizing the neighbors and daycare, noise and air pollutions from said proposed development with direct profit proposed for the commercial enterprise over the people and neighbors of the community. She focused the boards attention to Kelley Markets existing locations identifying that none are immediately adjacent to any subdivision neighborhood and none currently using a residential street for use.

Ken Klean (3718 Hamlin Dr) in audience expressed statements regarding the proposed development further causing traffic impacts to the neighborhood, a neighborhood with many residents here tonight and many with children. Mr. Klean further explained the traffic information shared from the developers identified it would produce an increase, so further commenting that said development would be taking away from other businesses from gas, alcohol sales and gaming. Mr. Klean verbally stated his findings

from an FBI article that convenience stores operating at 24hrs has a 68% increase in crime activity. He expressed for the trustees to vote from their hearts and not the potential for income or revenue.

Laura Moysey (3615 Garfield Rd) in audience expressed statements she has been a resident for 20 years and participated in the Village's 1st strategic initiative ensuring the safe and healthy quality of life to preserving our unique hometown qualities. Ms. Moysey expressed concern with the impact the development will have on her neighborhood and the traffic impact on the access to her subdivision. She discussed the noise experienced from their car wash while visiting the other Kelley Markets 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. She commented regarding the revenues projected she read online were not justifiable for the impact the development would have on the surrounding neighbor and land. She further questioned the proposed activity of alcohol sales and gaming being in compliance with State or Village ordinances. Ms. Moysey then expressed to the board the developments activities and identified potential truck deliveries from fuel, alcohol distributions and daily operations of ongoing truck deliveries at all times of days and the potential for impact to the surrounding neighborhood. Ms. Moysey ended her comments regarding the traffic impact conditions currently and the development further causing hazards and congestion to the traffic area, further impacting the neighborhood.

Sally Beake (3718 Claremont Rd) in audience expressed that many concerns and statements have been made and said repeatedly; the safety, traffic concerns, and integrity of the neighborhood. Further commenting that the exhibits shared from fellow resident tonight doesn't display said proposed development adjacent to a neighborhood and 24 hour operations seems excessive.

Kathleen Sevier (3804 Fillmore Rd) in audience expressed statements regarding impact of the gas station development and impact to the groundwater as the neighborhood is on a communal well. She further expressed concerns on impact to the property values, the unsightly atmosphere to the neighborhood, impact to surround businesses and daycare facility. Lastly she ended her statements of the 24hrs proposed operation and a story she recalled on criminal activity that had taken place due to establishments allowed to operate 24hrs.

Zolei Meyer (3701 Fillmore Rd) in audience expressed statements on the projection and values she identifies for her children. In summary, she stated that activities associated with the development proposed is not the activities she associates with her family values. Mentioned concerns regarding property value, the encouragement the proposed establishments projects on the surrounding neighborhood and expressed to the board for other ways to benefit the community.

Joseph Ratajczak (3725 Garfield Rd) in audience expressed statements that over the past few meetings the concern with the development will further amplify with traffic at that intersection. Further burdening the surrounding neighborhood and intersection, bringing in more vehicle traffic and increasing congestion with more safety issues and negative impact around. He expressed in previous meetings he presented a petition with approximately 90% of the Claremont subdivision not supporting the development, why is the board even considering the development in an area where no traffic light is present furthering burdening the surrounding residents and feels as though resident's voices and concerns are not being heard by the board.

OMNIBUS AGENDA – Trustee Morris moved to approve the Omnibus Agenda. Trustee Letzter seconded the motion with a request to pull Ordinance 24-24-28 Authorizing an Intergovernmental Agreement for participation in the Illinois Public Works Mutual Aid Network (IPWMAN) for further discussion and clarification. All Trustees voted aye on the roll. Motion carried.

- Move to approve the minutes of the January 21, 2025 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 8, Off Street Parking to add text associated with Electric Vehicle Charging Stations and adding Section 7.9 Electric Vehicle Charging to the Johnsburg Zoning Ordinance.
- Move to approve Ordinance 24-25-29 Amending Chapter 15, Traffic of the Johnsburg Municipal Code
- Move to approve Proclamation in support of the Mayor’s Monarch Pledge
- Move to approve a Resolution Proclaiming No Mow May

• Disbursements

• General Fund	\$ 163,978.95
• MFT	\$ 0.00
• Waterworks & Sewage Fund	\$ 107,959.35
• Golf Course Fund	\$ 0.00
• Debt Service/SSA Fund	\$ 0.00
• Total All Funds	\$ 271.938.30

Ordinance 24-24-28 Authorizing an Intergovernmental Agreement for participation in the Illinois Public Works Mutual Aid Network (IPWMAN). Discussion and clarification was further explained from Assistant Administrator Lamontagna to all trustees of the board. He explained in summary it is statewide mutual aid system that is available to all public works agencies participating. A system that allows for mutual aid and support during natural or man-made disasters. Operates by coordinating personnel and resources when needed for those who require assistance, call for equipment resources or assistance of availability. IPWMAN is composed of multiple agencies and within county that are committed to working together during times of crisis. Reliable way for public works agencies to collaborate and help each other in times of need. Program to develop and maintain a statewide network of public works related entities whose principal purpose is to provide mutual aid response and recovery assistance to each other when confronted with natural or man-made emergencies and disasters, similar to fire departments, a tool and source to call upon one another in the focus of public works and public infrastructure. Trustee Letzter moved to approve the Ordinance 24-24-28 Authorizing an Intergovernmental Agreement for participation in the Illinois Public Works Mutual Aid Network (IPWMAN). Trustee Hagen seconded the motion. All Trustees voted aye on the roll. Motion carried.

President Hettermann commented under President Report we recently completed the Committee of the Whole and will proceed into Village unfinished business.

UNFINISHED BUSINESS

Kelley’s Market - Trustee Fouke moved to approve Ordinance 24-25-27 An Ordinance Rezoning the Property Commonly Known as 3614 W. Johnsburg 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. Trustee Letzter seconded motion. Trustee Foreman requested specific slides be brought to the board’S attention with further comments of clarification from P.E. Ryan Swanson (Arc Design Engineer for Kelley Williamson).

P.E. Ryan Swanson provided further clarification regarding the traffic study; key focus attention to proposed developments intersection with the current traffic numbers, the apartment complex anticipation numbers and the traffic current rating at said intersections. He further explained the exhibit and the rating

scales for traffic, times of day the rating was collected and the projection based on the developments activities supported by CMAP calculations. In summary, based on the traffic study and proposed development the ratings grade rate did not alter, marginal increase in seconds to the delay at said intersections based upon the proposed development. He further detailed the Hamlin Rd and Johnsborg Rd intersection based on the traffic study, the existing location with the projected counts from the workforce apartments would increase approximately 4 seconds at the intersection. Trustee Foreman thanked P.E. Swanson for his clarification to the traffic study based upon existing, the projections for proposed development and detailed provided explaining the counts for a projection year in 2030 with all associated recent developments. P.E. Swanson further explained that currently McDOT provided a response to their proposed preliminary review along W. Johnsborg Rd for Kelley's Market and IDOT provided a conceptual approval along Rt-31.

Trustee Hagen requested clarification from design professional P.E. Swanson regarding the conclusion statements made in the traffic study. He expressed in previous proposals before the board, example General Capital Workforce Development, they were both denied full or $\frac{3}{4}$ access along their entities jurisdiction and identified a concern along Rt-31 with the proposed decel lane being concerning at approx. 40' from a road traveled at 50mph or greater. Engineer Hartnett provided clarification that previous development knew the entities they had to complete reviews with and they wished to present to the board knowing that if right-in and right-out was the only permitted use that would be granted, they still wanted to proceed forward with the workforce apartment development. P.E. Swanson provided further clarification that Kelley's Market development already has an established left bound lane onto Hamlin Rd in the McDOT plans and not similar situation to across the street workforce apartment development. Trustee Foreman requested clarification from Engineer Hartnett if contingent's stipulations on access would be mandated. Engineer Hartnett responded the jurisdiction authority McDOT for Johnsborg Rd could limit access onto Hamlin Rd. He expressed he believed McDOT already responded to P.E. Swanson's preliminary review and provided a letter for further clarification and detail upon resubmitting. Trustee Foreman inquired from Engineer Hartnett, if McDOT could require stipulations or limit access with or without the proposed development? Engineer Hartnett stated in summary they could; however, usually captured during development proposals and associated activities for said development.

Trustee Foreman requested further clarification from P.E. Swanson regarding toxic exposure related to the Kelley's Market development. P.E. Swanson commented on recent research studies he could further share advising the technology with underground tanks and alarm vapor systems are much more advance and multiple requirements and monitoring takes place. In summary, the systems used today are not similar to existing dated fuel establishments and research supports that benzene and underground groundwater spills are taken very serious and precautions measures are in place with supported research he could share dated as recent as 2017. Furthering his comments made that the levels are so low they are not called for additional testing with the EPA.

Trustee Letzter inquired to the developers and Kelley's Market audience if the 24 hours' operation was a negotiable topic? Attorney Ecklund responded for clients and stated in summary the need of operations would dictate the hours of service, they intent to provide the service to the community as needed, but currently hours are not finalized, and they would have to discuss further with clients. Trustee Fouke inquired to Kelley's Market audience present how long to determine proposed hours of operations? Attorney Ecklund responded approximately 6 months to 1 year to determine best service of operations for Kelley's Market. Trustee Hagen requested clarification if a limit to hours of operation where a condition, would the development proposed still proceed? Attorney Ecklund commented that the request at this time is for 24-hour operation, further conditions would be discussed with his clients. Trustee Hagen then commented that Thornton's fuel station is 24 hours with multiple thru lanes of traffic, medians and turn lanes, and no car wash. Engineer Hartnett expressed each development has many variables for entities to

review for permitting; however, IDOT doesn't look at roads unless "F" rating and the proposed development with traffic numbers is projecting a "C" rating.

Attorney Ecklund commented to the board that if limiting car wash operation hours was a condition, his clients would be agreeable. Village President Hettermann inquired that Kelley's Market would be open to delivery of fuel semi's to a set time of day, limiting on deliveries to avoid middle of day during higher traffic and nights.

Trustee Hagen commented the clarification shared this evening regarding projections of sales revenue at approx. \$140,000 - \$145,000, villages proposed property tax after development at approx. \$2500 - \$3,000 plus additional property tax to the schools which additionally helps, and projected VGT at approx. \$30,000 - \$35,000. Requesting clarification that currently owned developments are operating a \$9,000,000 annual revenue; however, the traffic will not be increasing and currently collecting existing traffic at approx. 60% so to assume 40% will be additional traffic increase. P.E. Swanson commented that study figures are conservative and could argue the development is targeted for convenience to existing traffic. Trustee Hagen commented that the car wash and sandwich shop would increase the demand and traffic in the area. Mr. Clif Morris (Kelley's Market) expressed comments the development would bring in outside interest into Johnsburg, he has seen increase with other establishments wish customers. Trustee Hagen inquired if the development could offer a net value it would provide Village of Johnsburg. Trustee Foreman commented to Trustee Hagen who or what else would be willing to invest \$9,000,000 to a proposed development at said area and offer the shared projected revenue figures. Trustee Hagen shared his inquiry for net value, it is just taking from the other surrounding businesses and establishments that offer similar products. Trustee Hagen stated he doesn't have the answer what should go in said area, but it doesn't have to be that specific site and/or location. Trustee Hagen expressed the proposed development currently furthers problems for many and surrounding, the projected revenue is not worth the hassle or headache and alternate locations should be evaluated for proposed Kelley's Market in Johnsburg.

Trustee Klemstein commented its challenges from his perspective regarding highest and best used of the site and existing land on Johnsburg Rd and Rt-31. The current traffic site lines present a difficult challenge, further shared a lot near Rt-31 and Alexander Blvd that is larger and shared high traffic count volumes. Trustee Foreman commented that businesses are challenged with brick-and-mortar builds with expense, offering potential revenue, and when would be the next opportunity for a development seeking to improve and build on said intersection corner? P.E. Swanson commented the proposed development Kelley's Market offers the same development on proposed design layout with his experience with other fuel/convenient establishments, similar in size to other fuel/convenient developments even after the McDOT ROW dedication and buffering requirements and fits well on the proposed location.

Village President Hettermann inquired to board of trustees if further discussion on the motion is needed and called for vote. Trustee Foreman requested adding conditions to proposed ordinance for planned development with restrictions. Attorney Smoron clarified the motion before vote with clarification on restrictions of hours of operations related to the car wash be limited to no use from 11:00p.m to 5:00a.m. and respects to road use restrictions regarding Hamlin Rd that McDOT could possibly require limiting access based on his understanding of the concerns discussed among the trustees. Engineer Hartnett commented that W. Johnsburg Rd isn't the jurisdictional authority for said area of Johnsburg Rd and Hamlin Rd and the developer after having a complete McDOT review and ready for permitting should come before Village Board again regarding their request. Attorney Smoron clarified that after ordinance for proposed planned development is passed, the intent to force further authority restrictions would not be correct practice. Attorney Smoron clarified amending the motion on the floor with mentioned stipulations, restrictions regarding car wash hours of operations and the concern of right-in and right-out concerns mentioned from McDOT and amending the motion before the board for vote.

Trustee Fouke moved to amend his original motion to add conditions that 1) car wash operations be prohibited between 11:00p.m. to 5:00a.m.; and 2) there being no restrictions limiting access at Hamlin to right-in and right-out only. Trustee Foreman seconded the amended motion. Village President inquired if further questions or clarification needed. Trustees Foreman and Letzter voted aye. Trustees Morris, Hagen, Klemstein and Fouke voted no. Motion failed.

Attorney Smoron further clarified that the original motion as written with no restriction or amended stipulations needed to be voted on. All Trustees voted no on the original motion. Motion failed.

ADJOURNMENT – Trustee Hagen moved to adjourn the meeting. Trustee Fouke seconded the motion. All Trustees voted aye on the roll. Motion carried at 8:23 p.m.

Respectfully Submitted,

Vinny Lamontagna
Village Assistant Administrator