

**VILLAGE OF JOHNSBURG
APRIL 5, 2016 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 John Huemann
Trustee Kevin McEvoy
Trustee Mary Lou Hutchinson (absent)
Trustee Tom Curry
Trustee Greg Klemstein (absent)
Trustee Kyle Frost
Village Engineer Tim Hartnett
Special Project Coordinator, Rick Quinn
Chief Keith VonAllmen

AUDIENCE PARTICIPATION – Neil Herbert was in attendance regarding the status of the intergovernmental agreement related to the Old Bay Road boat launch matter. President Hettermann informed Mr. Herbert that we submitted feedback to the County regarding the IGA but have not heard back from them. McHenry County Board Chairman Joe Gottemoller was in attendance. He explained that the attorney handling the matter through the States Attorney’s office left and a new attorney has been appointed to handle the matter.

PUBLIC HEARING - President Hettermann opened up the public hearing regarding amendments to the Annexation Agreement for Remington Grove subdivision at 7:05 p.m. Jeff Brown of GWF Johnsburg, LLC was in attendance regarding the requested amendments. He explained that GWF Johnsburg is the owner of several single family lots in the subdivision as well as the townhome portion of the development. He recapped their request to date regarding the removal of the rental restriction currently on the townhome units. He clarified that when he is referring to rental of the town home development he is referring to market rate rentals and not subsidized housing.

Mr. Brown stated that removing the rental restriction on the existing six-unit building is in the community’s best interest. He explained that the building has remained vacant for several years. He added that it is currently a soft market for townhomes which is expected to continue. Mr. Brown stated that if he were to attempt to sell the units, they would sell for less than market value yet the rental of those units would draw a higher income resident therefore he is requesting to remove the rental restriction on the existing six-unit building. He stated that the current rental restriction for the remainder of the property specific to third parties places the development at a competitive disadvantage with other townhome developments in the Village and therefore he is requesting the removal of the rental restriction related solely to third parties on the remainder of the property. Mr. Brown stated that the maintenance of the building and property would be conducted by one entity contracted by GWF Johnsburg as the owners of the property.

Trustee McEvoy questioned if GWF Johnsburg would be the landlords of the rental building. Mr. Brown stated that they would but would hire a management company to manage the rental of the units and the maintenance.

Trustee Curry questioned when the units were built. Mr. Brown stated that he believes they were built in 2007 or 2008. Trustee Curry questioned if there was any effort in that time to sell the units. Mr. Brown stated that there was not an attempt to market them for sale as the development was tied up in court for

many years. He further explained that by marketing the units, it would trigger the establishment of the association.

Trustee Frost questioned if GWF Johnsburg always planned to make the existing six-unit building a rental building. Mr. Brown stated that they did not.

Trustee Huemann questioned if lifting the rental restriction would set a precedence related to the remainder of the townhome property. Attorney Smoron stated that the amendment language as drafted would only be limited to the six-unit building and then for the remainder of the property, to third party renters. He further explained that so long as the annexation agreement is in effect, it would not affect the remainder of the property.

Mr. Brown explained that at the current market range of \$90,000-\$120,000 per unit, he cannot build the units and cover the cost. Trustee Curry questioned if GWF Johnsburg is waiting for the market to recover before building more units. Mr. Brown stated that they were.

Mr. Brown further explained a previous statement made regarding the qualified renters household income. He stated that a person purchasing a townhome ranging from \$90,000 to \$120,000 would qualify with an annual income of approximately \$30,000. He pointed out that a renter of those same units would require an annual income of approximately \$50,000.

Trustee Curry questioned if Running Brook Farms has similar rental restrictions. President Hettermann stated that they do not. Trustee Curry questioned if the Village has experienced problems with policing or code enforcement issues related the rental of the units in Running Brook Farms. Chief VonAllmen and Ms. Peters stated that there have not been problems in Running Brook Farms subdivision.

COMMENTS FROM THE PUBLIC

Mr. Keil stated that he would like to see something in writing that shows that this request, if granted, would not set precedence. President Hettermann stated that the request is specific to the six-unit building that is currently built. Additionally, rental to third party persons in the future would also not be restricted.

Mr. Brown explained that his goal is to occupy the existing building

Stacey Klemstein questioned if the future rental to third party persons would be restricted to selling to individual owners not a purchaser that would buy several units and rent them. Mr. Brown confirmed that it would be limited to individual purchasers.

Craig Wilcox questioned as an existing vacant building, what is the property currently assessed and what will the increased assessed value be once occupied. Mr. Brown stated that he is not certain of the exact current assessment but he would expect it to increase.

With no additional public comments, the public hearing was closed at 7:41 p.m.

President Hettermann requested that the matter be tabled for any action until the next meeting so that all the documents could reflect the conditions discussed.

OMNIBUS AGENDA Trustee Curry 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 March 29, 2016, Special Meeting of the President and Board of Trustees

- Move to approve Ordinance 15-16-31 Amending Section 11, Business Districts and Section 16, Conditional Uses of the Johnsburg Zoning Ordinance.

- **Disbursements**
- General Fund \$15,443.30
- MFT
- Waterworks & Sewage Fund
- Debt Service
- Total All Funds \$15,443.30

AUDIENCE PARTICIPATION

Debbie Haag of 1917 Sunnyside Beach Drive addressed the board regarding the proposed sewer project. She stated that she is in support of the project. She emphasized that the sewers will enable residents to improve their properties and address environmental concerns resulting from poorly functioning septic systems.

Dave Miller of 1911 Sunnyside Beach Drive stated that he was an active supporter of the road SSA and only wishes the sewers could have been pursued immediately at the end of the SSA. He expressed his support of the sewer project and establishment of the SSA.

Steve Poltera stated that he is against the sewer project and signed a sheet objecting to it but it was not submitted and he is concerned if the Village would move forward with the sewer project with 25% of the objection petition not accounted for. Ms. Peters explained that one of the petition circulators, Emitt Roberts, brought in the other sheet late on Friday, April 1st. She added that despite it being submitted late, she did review the sheet which reflected that had it been submitted before the deadline an additional five signatures would have been counted on the owner of record petition which still would not have provided enough signatures to represent 51% of the owners of record.

Joyce Miller of 1911 Sunnyside Beach Drive was in attendance in support of the sewer project. She stated that she understand the concerns regarding the cost however it is needed and it will bring about a better quality life to the subdivision. She also emphasized the improvement that would occur to the quality of the river as a result of eliminating additional septic systems.

Al Robel of Sunnyside Beach Drive was in attendance to question why his son was counted as a yes vote when he was not here to sign the petition. Ms. Peters explained that his son was not counted as a yes vote and clarified that he is counted as one of the total possible registered voter from the area which is in accordance with State statute.

Emit Roberts of 3601 Middle Avenue stated that Mr. Robel's son is included as one of the total possible voters which makes the target number bigger. He requested that the board delay the vote for thirty days to have a chance to review Ms. Peters' information. He questioned if there is a state law that allows the delay in decision or if it is a courtesy. Attorney Smoron questioned what paperwork is needed from Ms. Peters to accommodate his request. Mr. Roberts stated that he does not need any additional documents he only needs time to review them. He added that he turned the documents over to the States Attorney's office and they need more time to review the information. Attorney Smoron stated that delaying the vote would be a matter of courtesy and a decision for the Village Board to make. Mr. Roberts asked if the Board would delay the vote. President Hettermann stated that the board will be discussing the matter further. Mr. Roberts stated that the Northwest Herald is aware of the matter but was not able to attend the meeting. He added that he does not wish to go to litigation or try the matter in the papers but if it comes

to that, he will. President Hettermann stated that the board is not here to be threatened. He explained that the Village has followed the process and provided for the objection period. He added that the Village Board will consider his request to delay the decision but if he wants to pursue a lawsuit, that is up to him. President Hettermann explained that there was no petition required to move the matter forward. He added that when considering the signatures submitted on the objection petitions, the Village gave much latitude to the signatures provided and even took the time to explain its findings even after the wrong papers were filed. Mr. Roberts stated that he did not file the wrong paperwork. Ms. Peters displayed the green folder consisting of the petitions submitted by Mr. Roberts and questioned if he is disputing that is what he submitted to her office on the last day the petitions could be filed. President Hettermann questioned if Mr. Roberts is stating that he did not submit those documents to the Village. Mr. Roberts agreed that he did submit the referenced information but that everything was intact when he submitted it. Ms. Peters again referred to the green folder containing the submitted petition and stated that it was what was submitted to the Village Hall. Mr. Roberts stated that it was not what was submitted. President Hettermann stated that the information displayed by Ms. Peters was exactly what was submitted to the Village. Mr. Roberts disagreed. Attorney Smoron questioned if he informed Ms. Peters that it was not the correct petition when he met with her. Mr. Roberts agreed that the green folder was what was submitted but disagreed with its contents. Attorney Smoron again questioned if he was first informing Ms. Peters that for the first time rather than when he met with her. Mr. Roberts did not answer the question. President Hettermann questioned what Mr. Roberts was alleging happened. Mr. Roberts agreed that the folder is what was submitted but the paperwork is not necessarily what was submitted. He stated that he does not know what happened when he left the office but that they were intact when he turned them in. President Hettermann stated that Mr. Roberts was making a serious accusations and he hopes that he is not accusing someone of messing with the paperwork. Attorney Smoron asked Mr. Roberts to review the folder and enclosed paperwork and confirm whether or not it was the petitions submitted to the Village or if there is a missing document. Mr. Roberts stated that he submitted three elector sheets and three property owner sheets. Ms. Peters questioned if the documents he submitted were all originals. Mr. Roberts stated that they were. She again questioned if they were all originals. Attorney Smoron handed the green folder and enclosed petitions to Mr. Roberts and asked him to confirm if it is the complete documentation submitted to the Village Clerk or if what is in the folder has a missing sheet that he maintains was filed with the Village Clerk but is now not there. Mr. Roberts looked at the folder and enclosed documentation and stated that he did know if they were the copies. He stated that he doesn't think they are but he does not know. Mr. Roberts stated that he can't tell if the documents were copies. Mr. Roberts questioned if Attorney Smoron could tell if they are copies or originals as he could not. Attorney Smoron stated that leaving aside whether or not they were copies or originals, could he tell the Board if they are the documents that were in total submitted to the Village Clerk or if he is maintaining that there is a sheet that he submitted and is now missing. Mr. Roberts reviewed the documents and stated no and stated that one sheet was not one of the sheets he turned in. Attorney Smoron again questioned if there is a sheet missing that he turned into the Village Clerk. Mr. Roberts held up one of the sheets and stated it was not one of the sheets he turned in.

Maureen Harker of 1921 Sunnyside Beach Drive spoke in favor of the sewer project. She explained the problems that are experienced especially after a heavy rainfall and when flooding occurs. She emphasized the importance of cleaning up the waterway and the benefit to the neighborhood and community.

Ed Haag of 1913 Sunnyside Beach Drive and also the owner of the property at 1907 Sunnyside Beach Drive stated that the sewers will enhance property values and the condition of the river. He asked for no delays which will only result in additional costs. Mr. Haag remarked regarding the statements made about Ms. Peters, and stated that he has worked with her for many years and to imply any impropriety is outrageous.

Jerry Harker of 1921 Sunnyside Beach Drive asked for the board to proceed swiftly with the project. He explained the challenges with septic systems and the impact they have on living along the river such as the inability to do laundry in your home.

John Campbell was in attendance to express concern regarding the Ash trees along Alexander Blvd. He questioned if they will be addressed by the Village or if the homeowners need to address them. Mr. Hartnett agreed to look into the matter further.

President Hettermann asked the board to delay any action on the SSA establishing ordinance until additional info can be obtained regarding an alternative financing method. He explained that the sewer group is looking into other options that would include oversizing and further expending the infrastructure towards Angelo's and the bowling alley which will also provide for additional economic development opportunities. He added that the option would include some flexibility as to when residents would have to connect provided that they undergo septic testing every two years to assure that their septic system is properly functioning. The alternative method would allow residents to pay for the entire cost up front or over time on the sewer bill. Mr. Hartnett explained some of the oversizing options being considered. President Hettermann questioned of those in attendance, who would prefer the SSA financing rather than being billed for the debt retirement on their sewer bill. Several residents in attendance indicated that they would prefer the SSA as it could be tax deductible. Mr. Poltera stated that it is not tax deductible. Attorney Smoron stated that may be the case but practically speaking many people do include it as part of their total property tax deduction. Special Project Coordinator Rick Quinn spoke about some of the benefits to SSA financing and explained that alternative financing methods are being looked into further.

Ben Ognibene of 2021 Sunnyside Beach questioned at what point will the Village have a figure that can be depended upon. President Hettermann explained that the cost if paid up front is \$21,000. For those wishing to finance the project, the exact terms won't be known until the project is bonded.

President Hettermann stated that we expect to have more information regarding the option in two to four weeks and encouraged the residents to call the Village for more information.

ADJOURNMENT – Trustee McEvoy moved to adjourn the meeting. Trustee Curry seconded the motion. All Trustees present voted aye. Motion carried at 8:52 p.m.

Respectfully Submitted

Claudett E. Peters
Village Administrator