

A PUBLIC HEARING TO APPROVE AN ANNEXATION WITH DAVID E. FELLOWS AND KAREN D. FELLOWS, 930 CEMETERY ROAD, FREEBURG, ILLINOIS, WILL BE HELD ON MONDAY, APRIL 20, 2020 AT 7:15 P.M., IN THE MUNICIPAL CENTER BOARD ROOM AT 14 SOUTHGATE CENTER, FREEBURG, ILLINOIS. THE PROPERTY IS BEING REZONED FROM SR-1 (SINGLE FAMILY RESIDENTIAL) TO A (AGRICULTURE)

**IN ACCORDANCE WITH EXECUTIVE ORDER 2020-07, THE PUBLIC
CAN PARTICIPATE THROUGH THE ZOOM CLOUD MEETING
APPLICATION AND CLICKING ON THE FOLLOWING LINK:**

<https://zoom.us/j/785720103>

Meeting ID: 785 720 103

We ask the public to mute their phone or mic until Public Participation
If you have any questions, please contact Matt Trout at mtrout@freeburg.com

REGULAR BOARD MEETING AGENDA – APRIL 20, 2020 - 7:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Minutes of Previous Meeting
 - 4 – 1. April 6, 2020 – Board Meeting Minutes – **Exhibit A**
5. Finance – None.
6. Treasurer’s Report –
7. Attorney’s Report –
8. ESDA Report – ESDA Report for April 6, 2020 – **Exhibit B**
9. Public Participation
10. Reports and Correspondence –
 - 10 – 1. Zoning Administrator’s Report for April 6, 2020 – **Exhibit C**
11. Recommendations of Boards and Commissions –
12. Contracts, Releases, Agreements and Annexations –
13. Bids –
14. Resolutions –
15. Ordinances –
 - 15 – 1. Ordinance #1697: An Ordinance Authorizing the Execution of an Annexation Agreement for the Annexation of 4.27 Acres, more or less, of Real Estate Owned by David E. Fellows and Karen D. Fellows, located in the County of St. Clair, State of Illinois – **Exhibit D**
 - 15 – 2. Ordinance #1698: An Ordinance Annexing Certain Territory Commonly Known as the “Fellows Property” to and in the Village of Freeburg, St. Clair County, Illinois – **Exhibit E**
 - 15 – 3. Ordinance #1699: An Ordinance Amending the Freeburg Zoning Ordinance for the Purpose of Rezoning Certain Property Commonly Known as the Fellows Property – **Exhibit F**
16. Old Business –
17. New Business –
18. Appointments – **Exhibit G**
19. Committee Meeting Minutes/Recommendations
 - 19 – 1. Committee as a Whole – Tuesday, March 10, 2020 – 6:00 p.m. – **Exhibit H**
 - 19 – 2. Electric Committee Meeting – Wednesday, April 15, 2020 – 5:30 p.m. – **Exhibit I**
 - 19 – 3. Water/Sewer Committee Meeting – Wednesday, April 15, 2020 – 5:45 p.m. – **Exhibit J**
 - 19 – 4. Streets Committee Meeting – Wednesday, April 15, 2020 – 6:00 p.m. – **Exhibit K**
20. Upcoming Meetings
 - 20 – 1. Legal/Ordinance Committee Meeting – Wednesday, April 29, 2020 – 5:30 p.m.
 - 20 – 2. Finance Committee Meeting – Wednesday, April 29, 2020 – 5:45 p.m.
 - 20 – 3. Personnel/Police Committee Meeting – Wednesday, April 29, 2020 – 6:00 p.m.
 - 20 – 4. Board Meeting – Monday, May 4, 2020 – 7:30 p.m.
21. Village President’s and Trustees’ Comments
22. Staff Comments
23. Adjournment

At said Board Meeting, the Village Board of Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)]; personnel [5 ILCS, 120/2 - (c)(1)]; litigation [5 ILCS, 120/2 - (c)(11)]; real estate transactions [5 ILCS, 120/2 - (c)(5)]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS 120/2 (C)(2)].

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster Keck Brown, P.C.

VILLAGE OF FREEBURG, ILLINOIS BOARD MEETING MINUTES MONDAY, APRIL 6, 2020 @ 7:30 P.M.

CALL TO ORDER: Mayor Seth Speiser called the Regular Board Meeting to order at 7:30 p.m., on Monday, April 6, 2020, presentation of the meeting was conducted by Zoom a video conferencing.

PLEDGE OF ALLEGIANCE: Those present and the Board Members recited the Pledge of Allegiance.

ROLL CALL: Trustee Robert (Bob) Kaiser – here; Trustee Ramon Matchett, Jr. – here; Trustee James (Mike) Blaies – here; Trustee Michael (Mike) Heap – here; Trustee Elizabeth (Lisa) Meehling – here; Trustee Denise Albers – here; Mayor Seth Speiser – here; (7 present, 0 absent) Mayor Seth Speiser announced there is a quorum.

EXHIBIT A:

Mayor Speiser stated we have the minutes of the Regular Board Meeting Monday, March 2, 2020 for approval.

Trustee Elizabeth Meehling motioned to accept the minutes from the Regular Board Meeting Monday, March 16, 2020, and Trustee Denise Albers seconded the motion. All voting aye, the motion carried.

FINANCE:

EXHIBIT B:

Trustee Denise Albers reported on the Finance Committee Meeting held on Wednesday, March 25, 2020 at 5:55 p.m.

1. **REVISE OF BOARD LISTS:** Trustee Albers said we reviewed the Board Lists and discussing pacific listings.
2. **REVIEW OF INVESTMENTS:** Trustee Albers said we do not have any investments until July.
3. **INCOME STATEMENT:** Trustee Albers said we reviewed the Income Statement for the month and year end. Moving in to 2020, we will try to minimize large expenses during this coming year since we repaired a lot of things that needed to be done 2019.



TREASURER'S REPORT: None.

OLD BUSINESS:

1. Attorney Invoices: None.

2. Newsletter: Trustee Albers said the newsletter is going to revise some of the articles and add COVID-19 information in the Newsletter.

Trustee Albers said we need to make a discussion on the Spring Clean-up. It looks like we are going to have to postpone it due to the COVID-19 restrictions, there will be more on this at a later meeting.

NEW BUSINESS:

1. Citizen's Bid for the Backhoe and Hydro Excavator: Trustee Albers said we received a final bid from Citizens' Bank on the purchase of a Hydro Excavator & the Bobcat. We will address this later on.

2. St. Clair County Tax Computation Report: Trustee Albers said Village Administrator Tony Funderburg discussed the St. Clair County Tax Computation Report with the board. He did a great job in providing information for this report. He projected the EAV this year to be a little over \$90,000,000 and it came back at almost \$91,500,000. Our Village Attorney Fred Keck stated that it is great that our EAV is going up. There are municipalities' in St. Clair County where that isn't the case.

3. Unit 6 Generator Repair: Trustee Albers said we received the quote from Myers Controlled Power for the breaker this bid came in at a cost of \$16,176. The village will do the offset work and BHM&G will bill us at their cost around \$4,000-\$5,000. This is an emergency situation, we need to move quickly.

Trustee Denise Albers motioned to purchase from Myers Controlled Power's Proposal for a FVR Breaker at a cost of \$16,176 and Trustee James (Mike) Blaies seconded the motion.

ROLL CALL: Trustee Denise Albers – aye; Trustee James (Mike) Blaies – aye; Trustee Ramon Matchett, Jr. – aye; Trustee Michael (Mike) Heap – aye; Trustee Elizabeth (Lisa) Meehling – aye; Trustee Robert (Bob) Kaiser – aye; (6 ayes, 0 nays, 0 absent). **All voting aye, the motion carried.**

4. Pay Raise for Zoning Administrator: Trustee Albers said we discussed the cost of living raise at 2.5% for the next three years for the Zoning Administrator. When the raises were done for the other appointees, we left this position out of the. The raises run with the fiscal year. This will be handled during the appointments from the Mayor.

TREASURER'S REPORT: None.

ATTORNEY'S REPORT: None.

EXHIBIT D:

ESDA REPORT Mayor Seth Speiser called on ESDA Coordinator Gene Kramer. ESDA Coordinator Gene Kramer updated us on his ESDA Report.

1. State COVID-19 Executive Orders and Responses.
2. Provided as working agreement with County EMA to local ESDA.
3. Provided modification instructions "for the operation" of the ESDA Community Storm Shelter.
4. Activated the office ESDA communications system as a result of a Tornado watch.
5. Continue with "daily" briefings with County EMA concerning COVID-19 pandemic conditions.
6. Tuesday evening Countywide Amateur Radio Emergency Service.
7. Meeting called with Mayor when the Shelter in Place State Executive Order was issued.
8. Notifications made throughout the ever changing Pandemic response to COVID-19.

Mayor Speiser thank Gene for all of his hard work and dedication that he gives. Along with the trustees' and myself we do appreciate everything you done for this community. If there is anything you need, we are 100% behind you.

PUBLIC PARTICIPATION: None.

REPORTS AND CORRESPONDENCE:

REPORTS AND CORRESPONDENCE:

EXHIBIT E:

1. ZONING ADMINISTRATOR'S REPORT FOR MARCH 2020: Mayor Speiser asked does anyone have anything for the Zoning Administrator Matt. Zoning Administrator Matt Trout brought us up to date about Moto Mart and the Freeburg Fire Department.

RECOMMENDATIONS OF BOARDS AND COMMISSIONS: None.

CONTRACTS, RELEASES, AGREEMENTS & ANNEXATIONS: None.

EXHIBIT F:

BIDS:

1. Citizens Bid for Bobcat: Mayor Speiser said we have the Citizen's Bid for the Bobcat in the amount of \$45,000 and Hydro Excavator in the amount of \$74,500 at 2.30% for seven years with seven annual payments.

*Trustee Denise Albers motioned to accepted Citizens' Bid for the Bobcat in the amount of \$45,000 and Hydro Excavator in the amount of \$74,500 at 2.30% for seven years with seven annual payments and Trustee Elizabeth (Lisa) Meehling seconded the motion. **ROLL CALL:** Trustee Denise Albers – aye; Trustee Elizabeth (Lisa) Meehling – aye; Trustee Robert (Bob) Kaiser – aye; Trustee Ramon Matchett, Jr. – aye; Trustee Michael (Mike) Heap – aye; Trustee James (Mike) Blaies – aye; (6 ayes, 0 nays, 0 absent). **All voting aye, the motion carried.***

EXHIBIT G:

1. MFT Acceptance of Proposal to Furnish Materials and Approval Award: Mayor Speiser said we have the MFT acceptance of proposal to furnish materials and approval of award.

*Trustee Ramon Matchett, Jr. motioned to accepted the Bids from the following companies in order to utilize MFT Funds for materials used by the Department of Public Works: Verlan Funk Truck Service for Aggregate in the amount of \$4,227.50, JTC Petroleum Company for Bituminous Materials in the amount of \$40,284.08 and Asphalt Sales and Products, Inc. for Hot Mix Asphalt/Cold Patch in the amount of \$22,600.00 and Trustee Denise Albers seconded the motion. **ROLL CALL:** Trustee Ramon Matchett, Jr. – aye; Trustee Denise Albers – aye; Trustee Michael (Mike) Heap – aye; Trustee James (Mike) Blaies – aye; Trustee Elizabeth (Lisa) Meehling – aye; Trustee Robert (Bob) Kaiser – aye; (6 ayes, 0 nays, 0 absent). **All voting aye, the motion carried.***

EXHIBIT H:

RESOLUTIONS: Mayor Speiser stated we have Resolution #20-06, A Resolution Authorizing the Village to Enter and the Mayor to Execute an Agreement Between the Village of Freeburg and Freeburg Fire Protection District for an Intergovernmental Agreement Regarding Certain Property Owners; Key Lock Boxes.

*Trustee Elizabeth (Lisa) Meehling motioned to adopt Resolution #20-06 by title only and Trustee Ramon Matchett, Jr. seconded the motion. **ROLL CALL:** Trustee Elizabeth (Lisa) Meehling – aye; Trustee Ramon Matchett Jr. – aye; Trustee Denise Albers – aye; Trustee Robert (Bob) Kaiser – aye; Trustee James (Mike) Blaies – aye; Trustee Michael (Mike) Heap – aye; (6 ayes, 0 nays, 0 absent). **All voting aye, motion carried.***

ORDINANCES: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

APPOINTMENTS: None.

COMMITTEE MEETING REPORTS:

EXHIBIT I:

Legal/Ordinance Committee Meeting:

Trustee Michael (Mike Heap) reported on the Legal/Ordinance Committee Meeting held on Wednesday, March 25, 2020 at 5:36 p.m.

The following item or items were talked about or discussed:

OLD BUSINESS:

1. Zoning Report/Nuisance Properties: Trustee Heap said we discussed on a list of problem areas. Trustee Heap said Zoning Administrator Matt Trout and himself drove around town and compiled a list of problems areas. We are going to give these people more time due to the situation of the COVID-19.
2. Meadow Pines/Edison Estates Subdivisions: Trustee Heap said we talked about Edison Estates Preliminary Plat Zoning Administrator Matt Trout talked about this earlier and it is moving forward. Meadow Pines is moving forward, hoping the results will back that soon.
3. Code Revisions/Legal Review: Trustee Heap we talked about the review of the Zoning Code, and the meetings are going well and we were making process. We do have to hold up on those meeting for right now.
4. IML Drug and Alcohol Policy: Trustee Heap said Village Attorney Fred Keck, Village Administrator Tony Funderburg and Brian had reworked our policy in 2007, and we believes it is really good. Attorney Keck recommends that we stick with what we have and not worry about IML's policy.

NEW BUSINESS: Trustee Heap said Zoning Administrator Matt Trout and Chief of Police Mike Schutzenhofer visited the businesses to let them know we are here if they need anything.

EXHIBIT J:

Personnel/Police Committee Meeting:

Trustee Elizabeth (Lisa) Meehling reported on the Personnel/Police Committee Meeting held on Wednesday, February 26, 2019 at 6:47 p.m.

POLICE:

OLD BUSIENSS:

1. Security Officer Agreement: Trustee Meehling said regarding the Security Officer Agreement. Attorney Keck sent a follow up email following our last meeting and has not heard back. He was going to reach out the following day and advise her we need a response in 14 days. Trustee Meehling stated Chief Schutzenhofer said our officer hasn't been working since school has been out. He is available to work for us if we need him.

NEW BUSINESS:

1. Stop Sign Request at East Mill/North Vine: Trustee Meehling said we discussed a request for a stop sign at E. Mill and N. Vine. We already have a stop sign a block before this one at Mill and Cherry. Chief Schutzenhofer does not think this is a feasible location. Trustee Meehling said the committee asked Chief Schutzenhofer and police officer's to keep an eye on the area.
2. Fire Department Intergovernmental Agreement: Trustee Meehling stated this agreement would allow our police access to the businesses in town that have lock boxes, and this could be used in emergency situations.
3. Officer Marquardt Request to Cash in 52 Hours of unused Vacation: Trustee Meehling said we received a request to cash out some unused vacation. This request came from Officer Terry Marquardt. Chief Schutzenhofer stated Terry has been busy with the task force and unable to use his vacation.

*Trustee Elizabeth (Lisa) Meehling motioned that Officer Terry Marquardt be paid for 52 hours of unused vacation time and Trustee Ramon Matchett, Jr. seconded the motion. **ROLL CALL:** Trustee Elizabeth (Lisa) Meehling – aye; Trustee Ramon Matchett Jr. – aye; Trustee James (Mike) Blaies – aye; Trustee Robert (Bob) Kaiser – aye; Trustee Michael (Mike) Heap – aye; Trustee Denise Albers – aye; (6 ayes, 0 nays, 0 absent). **All voting aye, motion carried.***

Trustee Meehling said Mayor Speiser stated at the present time, our local bars/restaurants cannot serve alcohol to consume on premise. A letter went out to the bars and restaurants stated no food or alcohol can be consumed on premise. If they chose to do so their liquor and business license can be taken away if this happens.

PERSONNEL:

OLD BUSINESS:

1. Crew Worker Hire: Trustee Meehling said we discussed our crew worker hire with the corona virus. We decided to put this on hold.

NEW BUSINESS: Trustee Meehling said we received some bids for window tinting at the village hall. We decided to move forward with this project with Total Eclipse.

Trustee Meehling said we had some conversation discussing processes and protocols on dealing with COVID-19. We also discussed how great Country Mart has been with delivering food to those who can't come out to shop. The village plans on acknowledge Country Mart and other business when we get through this turf time. We discussed on how to keep our village up and running with our employees' safety.

Leaf Pickup has been postponed until further notice due to COVID-19.

UPCOMING MEETINGS:

Combined Planning/Zoning Board – Tuesday, April 14, 2020 – 6:00 p.m.
Electric Committee Meeting – Wednesday, April 15, 2020 – 5:30 p.m.
Water/Sewer Committee Meeting – Wednesday, April 15, 2020 – 5:45 p.m.
Streets Committee Meeting – Wednesday, April 15, 2020 – 6:00 p.m.
Board Meeting – Monday, April 20, 2020 – 7:30 p.m.

VILLAGE MAYOR, VILLAGE CLERK & TRUSTEES' COMMENTS:

Trustee Robert (Bob) Kaiser – Good job Gene, and hope everyone stay safe.
Trustee Ramon Matchett, Jr. – Thank you Gene for all of work and all of the up-dates.
Trustee James (Mike) Blaies – Same thing here.
Trustee Michael (Mike) Heap – Thank you Gene.
Trustee Elizabeth Meehling – Thank you Gene and our local business. Be safe and be well.
Trustee Denise Albers – We tend to be quickly in forgetting how great we are in over- coming difficulties in our life. We are very strong and supportive small communities we will get through this turf time together.
Village Clerk Jerry Menard – Same thing everyone else has said.
Mayor Seth Speiser – He would like to thank Tony, Matt, Mike and Gene for all of their hard work during COVID-19. Please keep up the good work.

STAFF COMMENTS:

Village Administrator Tony Funderburg –
Village Zoning Administrator Matt Trout –

ADJOURNMENT: Mayor Seth Speiser called for a motion to adjourn the meeting.

Trustee Elizabeth (Lisa) Meehling motioned to adjourn the Regular Board meeting of Monday, April 6, 2020 at 7:57 p.m. and Trustee Denise Albers seconded the motion. All voting aye, the motion carried.


Jerry Lynn Menard
Village Clerk

Report to Mayor

&

Village Board for April 20, 2020

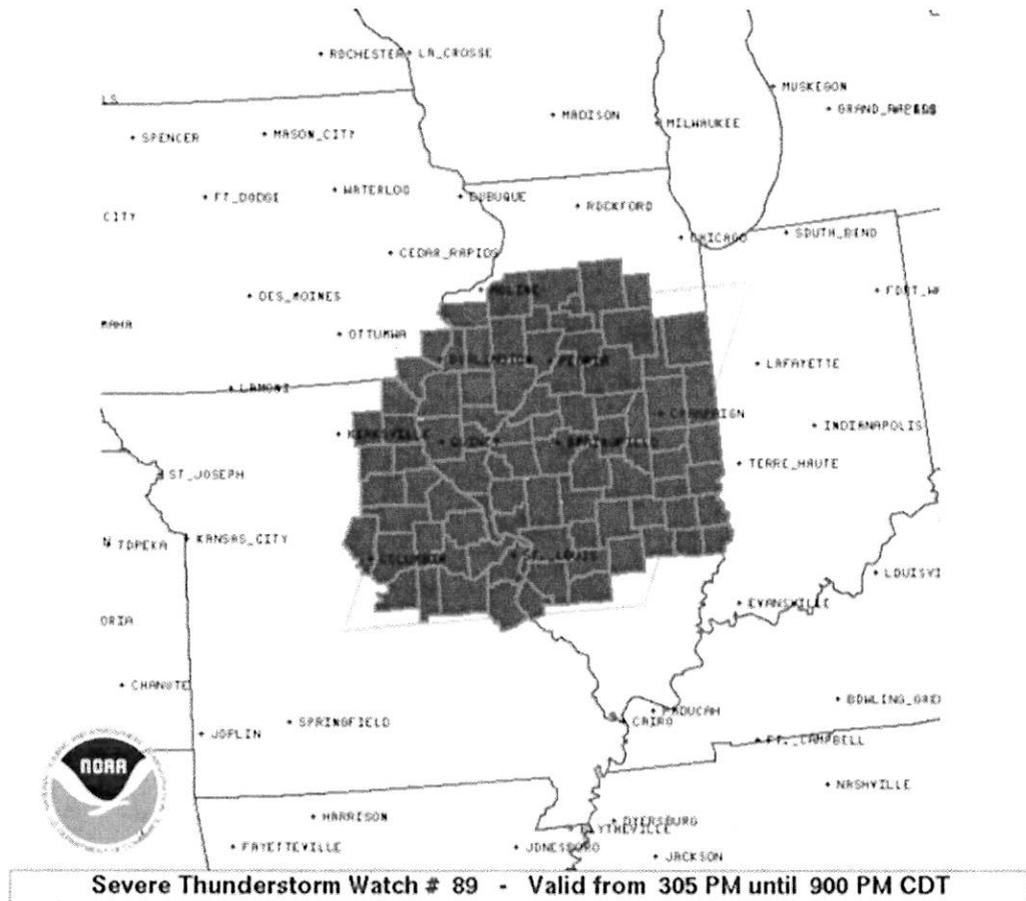
A. Pandemic Response Operations:

- . COVID-19 Updates via SIREN reviewed and distributed as Notifications via Email
- . Attended DAILY COUNTY EMA BRIEFINGS AT 3:30 PM
 - . Attend County EMA weekly Webx briefings for Public Safety Departments
 - . Conducted two travels to County EMA EOC for PPE equipment –inventory then distribute to local Government office, including Police Dept. Secretary. Included additional Masks, Hand sanitizer packets, and Bottle 750 ml type liquid refill hand sanitizer, protective eyewear.
 - . Repack ESDA back packs with PPE equipment for ESDA Community Storm shelter use.
 - . Provide UPDATE on operation modification of Shelters “if” they required activation during the COVID-10 pandemic period and the use of PPE placed in back packs.
 - . Attend White House COVID-19 Briefing with State and Local Leaders: April 7, 2020 and second session on April 15, 2020.
 - . CDC and IDPH information related to “Care Centers/Retirement Homes” sent to our local elderly care centers, which includes data specific to their operation.

Attend IDPH Webinar April 15, 2020, 11 AM for: “COVID-19 Situational Updates for local ESDA/EMAs.

SEVERE WEATHER RESPONSE –NOTICATIONS

- A. ESDA office Activated for Severe Thunderstorm Watch Alert issued by SPC (#89) at 3:05 pm on April 8, 2020 covering St. Clair County. Fortunately, NO Warnings issued for the county during this period, but several storm cells “watched” by NWS and our Office RADAR feed.



1. NOAA/NWS/Storm Prediction Center Updated: 20200408/2011 UTC
- B. Activated office ESDA communications with local PD, Fire and Public works on both VHF and Starcom. Activated County Amateur Radio Emergency Service Net,. Acknowledge “radio page” from County EMA on VHF and confirmed Weather Radio Alert received with NWS via WXCHAT internet link.
 - C. Highest wind gusts measured at 34 mph upon wind shift to the Northwest around the 8 PM time period.
 - D. High Wind Advisory issued AFTER all thunderstorms were out of the area, due to a very deep low pressure system (29.54 inhg). Provided notification to Public Works Director John T., via “texted” to expect this wind scenario for 24-36 hours April 10-11 period. Highest winds measured during this period was 43 mph at the ESDA office.
 - E. Monitored how EMAs and ESDA’s handled Shelter operations in the projected Tornado outbreak area in the SE States issued under numerous Tornado Watches. Amateur radio contacts on the HF bands, with State Section nets established for additional information in this area.

FREEBURG VILLAGE BOARD MEETING ZONING REPORT

April 20th, 2020

Matt Trout Zoning Administrator

I have started a list of nuisance properties to send out once the virus dealings slow down. We have still been working with ongoing issues, but I have not sent out new letters due to the Stay in Place Order. If something really gets out of hand, we will deal with it as it comes up.

We are waiting on Rhutasel and the Developer of Edison Estates to complete the water flow test. We are also waiting on their water permit from the IEPA. Once we receive those two items, I will set up a meeting with the Combined Planning and Zoning Board to review and take action on the plans.

We have put the zoning code review meetings on hold for the time being until all the Covid-19 Virus issues slow down.

Tuesday April 14th, the Combined Planning and Zoning Board held a meeting hearing to rezone the Fellows Property at 930 Cemetery Rd contingent on their annexation into the village at the April 20th Board Meeting. The Combined Board approved the rezoning from SR-1 to Ag with a 6-0 vote if the Village Board approves the Annexation. This meeting was held on Zoom. I was in the board room with a TV set up for the public to view, but we did not have any public show up for the hearing or meeting.

The Freeburg Police and Public Safety Golf Tournament has been set for June 20th, 2020 and the Freeburg Fall Festival and Chili Cook Off has been moved back a week to October 24th, 2020 due to the High School moving Homecoming back a week.

April 1st through 17th

10 -- Occupancy Permit

3 -- Permits

- 1 Commercial Addition (Moto)
- 1 Electric Permit

VILLAGE OF FREEBURG

ORDINANCE NO. 1697

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT FOR THE ANNEXATION OF 4.27 ACRES, MORE OR LESS, OF REAL ESTATE OWNED BY DAVID E. FELLOWS AND KAREN D. FELLOWS, LOCATED IN THE COUNTY OF ST. CLAIR, STATE OF ILLINOIS

April 20, 2020

Return To:

**Village of Freeburg
14 Southgate Center
Freeburg, IL 62243**

ORDINANCE NO. 1697

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT FOR THE ANNEXATION OF 4.27 ACRES, MORE OR LESS, OF REAL ESTATE OWNED BY DAVID E. FELLOWS AND KAREN D. FELLOWS LOCATED IN THE COUNTY OF ST. CLAIR, STATE OF ILLINOIS

WHEREAS, at least two-thirds (2/3) of the corporate authorities holding office believe it is in the best interest of the Village of Freeburg, St. Clair County, Illinois, to enter into a certain Annexation Agreement pertaining to property consisting of approximately 4.27 acres more or less as described in the Annexation Agreement attached as "Exhibit A" and commonly known as the Fellows property; and

WHEREAS, an Annexation Agreement has been drafted, a copy of which Agreement is attached hereto and incorporated herein as "Exhibit A;" and

WHEREAS, the Petitioners as described in the Annexation Agreement and/or the legal owners of record of the territory which is the subject of said Agreement are ready, willing and able to enter said Agreement and to perform the obligations as required thereunder; and

WHEREAS, the Village did, on the 20th day of April, 2020, hold and conduct a public hearing pursuant to notice and statute to discuss the Annexation Agreement; and

WHEREAS, all other statutory procedures provided in Division 15.1 of Article II of the Illinois Municipal Code, as amended, for the execution of said Agreement have been fully complied with.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, as follows:

SECTION 1: The recitals set forth above are true and accurate and incorporated herein by reference.

SECTION 2: That the Village hereby adopts and enters into the Annexation Agreement and the Village President be and he is hereby authorized and directed to execute, and the Village Clerk is directed to attest the Annexation Agreement attached hereto dated the 20th of April, 2020 (a copy of which is attached hereto and made a part hereof as "Exhibit A).

ORDINANCE NO. 1697 cont.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees of the Village of Freeburg, Illinois, this 20th day of April, 2020.

AYES _____ NAYS _____ ABSENT _____

Vote recorded by: _____
Jerry Menard, Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois, this _____ day of April, 2020.

Seth E. Speiser, Village President

ATTEST:

Jerry Menard, Village Clerk

Approved as to Legal Form:

Village Attorney

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT ("Agreement") is made and entered into this 20th day of April, 2020, by and between David E. Fellows and Karen D. Fellows, 930 Cemetery Road, Freeburg, Illinois, (hereinafter referred to as "Owners") and the VILLAGE OF FREEBURG ("Village"), a municipal corporation organization and existing under and by virtue of the laws of the State of Illinois by and through its Mayor and Village Trustees (collectively, "Corporate Authorities").

RECITALS

- A. Owners are the owner of record of certain parcels of real property situated in St. Clair County, Illinois, which are adjacent to the Village and are more particularly described in Exhibit "A," the legal description, attached hereto and made a part hereof (the "Parcel").
- B. The Parcel consists of approximately 4.27 acres and adjoins, abuts, and is contiguous to the corporate limits of the Village.
- C. The Parcel has not been annexed to any municipality and is currently situated within unincorporated St. Clair County, Illinois.
- D. The Parcel constitutes territory that is contiguous to and may be annexed to the Village, as provided under Section 7-1-1, *et seq.*, of the Illinois Municipal Code, 65 ILCS 5/7-1-1, *et seq.*
- E. Owners desire to have the Parcel annexed to the Village, on the terms and conditions provided herein and to qualify for such benefits or services as such annexation may so entitle it.
- F. The Corporate Authorities, after due and careful consideration, have concluded that the annexation of the Parcel to the Village would further the orderly growth of the Village, enable the Village to control the development of the Parcel, and serve the best interests of the Village.
- G. Pursuant to the provisions of 65 ILCS 5/11-15.1-1, *et seq.*, a proposed Annexation Agreement, in substance and form the same as this Agreement, was submitted to the Corporate Authorities and a public hearing was held on April 20, 2020 pursuant to notice, all as provided by statute and the ordinances of the Village.
- H. Any fire protection district, library district and other entity or person entitled to notice prior to annexation of the Parcel to the Village have been given notice thereof by the Village as required by law.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements herein contained, and in compliance with ordinances, codes, and regulations of the Village in effect as of the date of this Agreement, or as may hereinafter be enacted, subsequently, the Parties hereto hereby agree as follows:

1. **Statutory Authority.** The Parties hereto enter into this Agreement pursuant to and in accordance with the provisions of 65 ILCS 5/11-15.1-1, *et seq.*

2. **Annexation.**

- a) Concurrent with this Agreement, Owners have filed with the Village Clerk a Petition for Annexation of the Parcel to the Village, conditioned on the terms and provisions of this Agreement, which petition has been prepared, executed and filed in accordance with 65 ILCS 5/7-1-8, and the ordinance and other requirements of the Village. A copy of said Petition is attached hereto and made a part hereof as Exhibit "B."
- b) Owners have filed with the Village Clerk a Plat of Annexation which contains an accurate map of the Parcel, illustrated with the zoning district(s) Owners are seeking as a condition of annexation, which is attached hereto and made a part hereof as Exhibit "C" ("Annexation Plat").
- c) Subject to the terms of this Agreement, the Corporate Authorities shall hereinafter enact an ordinance annexing the Parcel to the Village ("Annexation Ordinance") which ordinance shall attach the Annexation Plat.

2. **Rezoning.** Upon the Effective Date of the Annexation Ordinance as set forth herein, the Village shall do the following:

- a) The Village shall adopt an ordinance zoning and classifying the Parcel as follows: "A"(Agricultural Use). The Parties acknowledge that prior to the effective date and execution of this Agreement, such public hearings as are necessary to enable the Village lawfully to grant said zoning classification as to the Parcel will have been conducted upon proper notice.
- b) Except as provided herein, all future changes in land use or related activity on the Parcel, if any, shall be subject to the applicable ordinances and laws authorizing or regulating such change or activity now in effect or as amended from time to time.

3. **Sanitary Sewer/Electrical Service.**

- a) During the term of this Agreement, the Village agrees to allow the Owner to connect to the Village sanitary sewer system at Owner's option and Owner's expense, if and when sanitary sewer service becomes available to the Parcel. Upon expiration of this Agreement, Owner's connection obligations shall be governed by the applicable Village ordinances and policies. Any conflicting federal or state laws governing sanitary sewer connection shall supersede this paragraph.

- b) During the term of this Agreement, the Village agrees to allow the Owner to connect to the Village electric system at Owner's option and Owner's expense, if and when electric service becomes available to the Parcel. Upon expiration of this Agreement, Owner's connection obligations shall be governed by the applicable Village ordinances and policies. Any conflicting federal or state laws governing electric system connection shall supersede this paragraph.
- c) The Village shall not be held responsible for its inability to install any utility, or for any loss or damage including consequential damage, or delay in installation, caused by strikes, riots, elements, embargoes, failure of carriers, inability to obtain material, or other acts of God, or any other cause beyond Village's reasonable control, including but not limited to the acquisition of easements, modifications of Facilities Planning Area boundaries, Illinois Environmental Protection Agency permits or any other governmental or regulatory permit or approval.

5. **Subdivision/Dedication of Improvements.**

- a) In the event the Owners subdivide or otherwise develop the Parcel, the Owners shall dedicate to the Village, the roadways, the public improvements, the water lines, sanitary sewers and the storm sewers by recording with the St. Clair County, Illinois Recorder, in a form acceptable to the Village, the appropriate subdivision plat which dedicates the public improvements as provided herein. Nothing herein shall require the Village to accept such improvements for maintenance or liability that are not in satisfaction of the Village's specifications or that have not been inspected, approved and accepted by the Village.
- b) The Owners shall grant to the Village nonexclusive utility easements ("Utility Easements") for maintenance and repair of the aforesaid utilities to be constructed on the Parcel and dedicated to the Village as shown on the Final Plat, and any other easements the Village may reasonably require for municipal purposes.
- c) The Owners shall pay all development fees including but not limited to green space fees, plat review fees, completion and maintenance security for dedicated public improvements and normal and customary building permits, relative to development of the Parcel as set forth in the Code of Ordinances of the Village of Freeburg, as amended from time to time.

6. **Miscellaneous.**

- a) Notwithstanding any other provision contained herein to the contrary, with respect to the Parcel, this Agreement shall be effective for a term of twenty (20) years from the date hereof, provided that any continuing obligations to the Village shall survive any termination or expiration to the extent consistent with 65 ILCS 5/11-15.1-1.
- b) This Agreement shall bind the heirs, successors, and assigns of the Owners, the Village, the Corporate Authorities and their successors in office. This Agreement shall inure to the benefit of the Parties hereof, their successors and assigns. This Agreement and the obligations of Owners hereunder shall be a covenant that shall run with the land, shall be a provision of any sale or other contract for transfer of interest in the Parcel, and may be recorded. Upon annexation, Owners shall comply with all ordinances of the Village, as adopted or amended from time to time.
- c) Nothing herein shall in any way prevent the alienation, encumbrance or sale of the Parcel or any portion thereof, and the new owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed.
- d) Within thirty (30) days after the passage, approval and adoption of an ordinance of annexation by the Village, the text of this Agreement (or a suitable memorandum hereof) shall be recorded at the sole cost and expense of the Village in the Office of the Recorder of St. Clair County, Illinois.
- e) Except as otherwise expressly provided herein, Owners shall comply in all respects with the applicable provisions of the Village of Freeburg Municipal Code, whether or not any of such ordinances are amended after the date hereof.
- f) It is further agreed that any party to this Agreement, either in law or in equity, by suit, action, mandamus or other proceeding may enforce or compel the performance of this Agreement, or have other such relief for the breach thereof as may be authorized by law or that by law or in equity is available to them.
- g) It is understood by the Parties hereto that time is of the essence. It is further understood that upon the occurrence of a default of any of the provisions of this Agreement, which default continues for ten (10) days after a notice specifying such default is given the defaulting party, the injured party hereto may in law or in equity, by suit, action, mandamus or other proceeding, including specific performance, enforce or compel the performance of this Agreement by such defaulting party.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the day and year first above written.

VILLAGE:

VILLAGE OF FREEBURG
A Municipal Corporation,
County of St. Clair
State of Illinois

ATTEST:

Jerry Menard
Village Clerk

Seth E. Speiser
Village President

OWNERS:

David E. Fellows

Karen D. Fellows

LIST OF EXHIBITS

- A. Legal Description of Parcel
- B. Petition for Annexation
- C. Annexation Plat

EXHIBIT A

Legal Description of Parcel

930 Cemetery Road
Freeburg, Illinois
P.I.N.: 14-21.0-400-028

Part of the Southwest Quarter of the Southeast Quarter of Section 21, Township 1 South Range 7 West of the Third Principal Meridian, being more particularly described as follows:

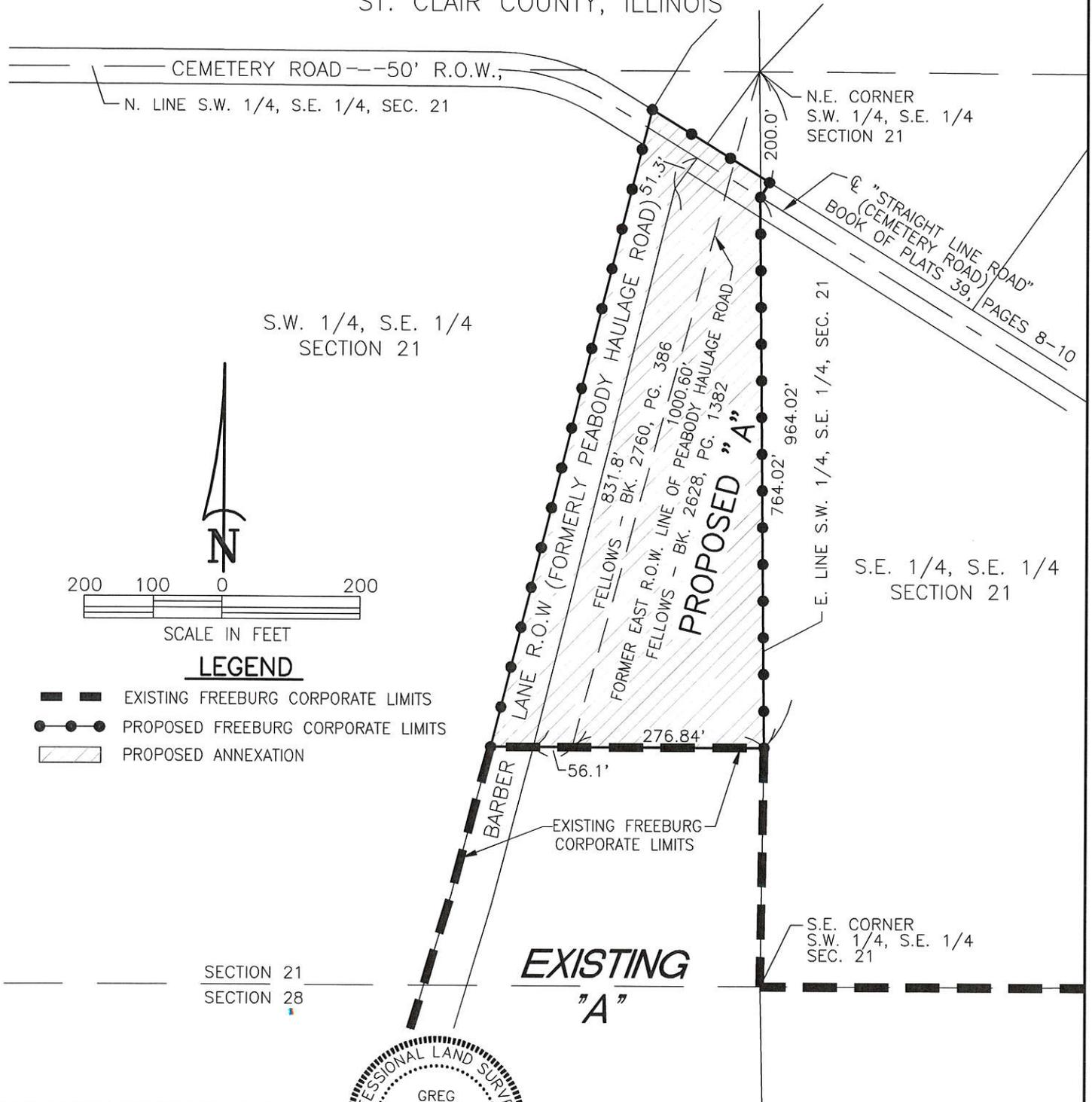
Commencing at a stone at the northeast corner of the southwest quarter of the southeast quarter of Said Section 21; thence South on the east line of said quarter-quarter section, a distance of 200.0 feet to a point on the centerline of "Straight Line Road" (also known as "Cemetery Road"), reference being had to the plat thereof recorded in the Recorder's Office of said St. Clair County in Book of Plats "39" on pages 8, 9, and 10, the point of beginning of the tract of land herein described; thence continuing South on the east line of said quarter-quarter section, a distance of 764.02 feet to the southeast corner of a tract of land conveyed to David E. Fellows and Karen D. Fellows by Warranty Deed dated November 18, 1985 and recorded in said Recorder's Office in Book 2628 on pages 1382 & 1383; thence westerly a distance of 276.84 feet to the southwest corner of said tract, being the southeast corner of a 1.26 acre tract of land conveyed to Dave E. Fellows and Karen D. Fellows by Quit Claim Deed dated September 26, 1989 and recorded in said Recorder's Office in Book 2760 on pages 386-389; thence continuing westerly to the southwest corner of said 1.26 acre tract, being on the easterly right-of-way of the 60 feet wide public road known as Barber Lane; thence northeasterly on said easterly right-of-way line a distance of 831.8 feet to a point; thence northeasterly on said easterly right-of-way line, a distance of 51.3 feet to a point on the centerline of the above referenced "Straight Line Road"; thence southeasterly on said centerline to the point of beginning, and being contiguous with the corporate limits of the Village of Freeburg, Illinois; together with that part of the 60 feet wide public road right-of-way known as "Barber Lane" that lies west of and adjoining the west line of the above described tract, and that part of the 50 feet wide public road right-of-way of the above referenced "Straight Line Road" that lies north of and adjoining the north line of the above described tract.

P.I.N.: 14-21.0-400-028

Property Address: 930 Cemetery Road, Freeburg, Illinois 62243

ANNEXATION PLAT ORDINANCE NO. _____ FREEBURG, ILLINOIS

PART OF THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 21
T. 1 S., R. 7 W. OF THE 3RD P.M.
ST. CLAIR COUNTY, ILLINOIS



S.W. 1/4, S.E. 1/4
SECTION 21

S.E. 1/4, S.E. 1/4
SECTION 21

SECTION 21
SECTION 28

EXISTING
"A"

LEGEND

- EXISTING FREEBURG CORPORATE LIMITS
- PROPOSED FREEBURG CORPORATE LIMITS
- PROPOSED ANNEXATION



I DO HEREBY CERTIFY THAT THIS
ANNEXATION PLAT HAS BEEN PREPARED
UNDER MY DIRECT SUPERVISION

Greg J. Hahn 3/20/2020

GREG J. HAHN, I.P.L.S. NO. 3769 DATE
LICENSE EXPIRATION DATE: 11/30/2020



RHUTASEL and ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND SURVEYORS
FREEBURG, ILLINOIS SALEM, ILLINOIS
(618) 539-3178 (618) 532-1992
IL. LICENSE NO. 184-000287

VILLAGE OF FREEBURG

ORDINANCE NO. 1698

**AN ORDINANCE ANNEXING CERTAIN TERRITORY COMMONLY
KNOWN AS THE "FELLOWS PROPERTY" TO AND IN THE
VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS**

April 20, 2020

Return To:

**Village of Freeburg
14 Southgate Center
Freeburg, IL 62243**

ORDINANCE NO. 1698

AN ORDINANCE ANNEXING CERTAIN TERRITORY COMMONLY KNOWN AS THE "FELLOWS PROPERTY" TO AND IN THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS

WHEREAS, the property owners of certain territory, which is not within the corporate limits of any municipality, but which is contiguous to the Village of Freeburg, have filed a written Petition with the Village of Freeburg requesting that said territory be annexed to the Village of Freeburg, Illinois, a copy of which is attached hereto as "Exhibit A;" and

WHEREAS, the property owners are all of the electors, and, electors, David E. Fellows and Karen D. Fellows are residing on said territory; and

WHEREAS, the map attached hereto, marked "Exhibit B," is an accurate map of said territory so sought to be annexed; and

WHEREAS, in compliance with the Laws of the State of Illinois providing therefore, notice was given to the Trustees of the Freeburg Fire Protection District, the Freeburg Township Supervisor, the Trustees of Freeburg Township and the Highway Commissioner of Freeburg Township, in the manner provided by Statute, and all required notices have heretofore been given as required by law concerning the petition for annexation of this territory to the Village of Freeburg;

WHEREAS copies of such notices and affidavits of service of notices will be recorded in the Office of the Recorder of Deeds of St. Clair County; and

WHEREAS, all petitions, documents, and other necessary legal requirements are in full compliance with the statutes of the State of Illinois, specifically 65 ILCS, para. 5/7-1-1.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, as follows:

SECTION 1: That the following territory be and the same is hereby annexed and made a part of the Village of Freeburg, Illinois, in accordance with the Petition duly filed with the Village of Freeburg, requesting annexation:

See legal description attached hereto as "Exhibit C"

SECTION 2: That the described territory of land be and the same is hereby established in the zoning classification of "SR-1" as an automatic zoning classification upon annexation. Said classification shall apply to the territory described as it has been established and is classified for zoning in the Village of Freeburg, St. Clair County, Illinois. The Village shall, however, as a condition of annexation pass and approve an ordinance rezoning the territory "A" (Agricultural).

ORDINANCE NO. 1698 cont.

SECTION 3: That the map attached hereto marked "Exhibit B," and made a part hereof, which is found to be an accurate map of the annexed territory, shall be filed of record with this Ordinance.

SECTION 4: That the Village Clerk is hereby directed to record with the St. Clair County Recorder of Deeds and to file with the County Clerk a certified copy of this Ordinance, together with the exhibits appended to this Ordinance.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the Board of Trustees of the Village of Freeburg, Illinois, this 20th day of April, 2020.

AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____
AYES _____	NAYS _____	ABSENT _____

Vote recorded by:

Jerry Menard, Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois, this 20th day of April, 2020.

Seth E. Speiser, Village President

ATTEST:

Approval as to Legal Form:

Jerry Menard, Village Clerk

Village Attorney

PETITION FOR ANNEXATION

To: The Mayor and Board of Trustees
of the Village of Freeburg
St. Clair County, Illinois

The Petitioners, David E. Fellows and Karen D. Fellows, respectively state under oath:

1. Petitioners are the sole legal and equitable owners of record of the following described land (hereinafter sometimes referred to as the "Tract"), to-wit:

Part of the Southwest Quarter of the Southeast Quarter of Section 21, Township 1 South Range 7 West of the Third Principal Meridian, being more particularly described as follows, to-wit:

Beginning at a stone at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 21; thence South 00 degrees 00 minutes 00 seconds East for 964.02 feet to an iron pin; thence North 89 degrees 29 minutes 16 seconds West for 276.84 feet to an iron pin; thence North 16 degrees 03 minutes 40 seconds East for 1000.60 feet to the point of beginning.

Excepting that part conveyed to the Town of Freeburg, County of St. Clair, Illinois, for Right-of-Way for Public Road Purposes, as in Book 797 on Page on Page 531 as shown on Plats "39" on Pages 8, 9 and 10.

Except coal, gas and other mineral rights excepted or reserved in prior conveyances.

Subject to taxes and assessments for 1985 and subsequent years; to covenants, conditions and restrictions of record; to utility easements together with all improvements and appurtenances.

Permanent parcel number: 14-21.0-400-028
Commonly known as: 930 Cemetery Road, Freeburg, IL 62243

- 2. The tract is not situated within the limits of any municipality but is contiguous to the Village of Freeburg.
- 3. That Petitioners represent are the sole electors residing on the tract.
- 4. It is the desire of the Petitioners and it would be in the best interest of the Village of Freeburg, Illinois, that said tract be annexed to the Village of Freeburg, Illinois, and made a part thereof, with the zoning classification of "A" (Agricultural District).

WHEREFORE PETITIONERS RESPECTFULLY REQUEST:

- 1. That the above described tract be annexed to the Village of Freeburg by ordinance of the President and Board of Trustees of the Village of Freeburg pursuant to Section 7-1-8 of the Illinois Municipal Code of the State of Illinois as amended (65 ILCS 5/6-1-8).
- 2. That such other action be taken as is appropriate in the premises.

Dated this 9 day of March, 2020.



Karen D Fellows

Karen D. Fellows

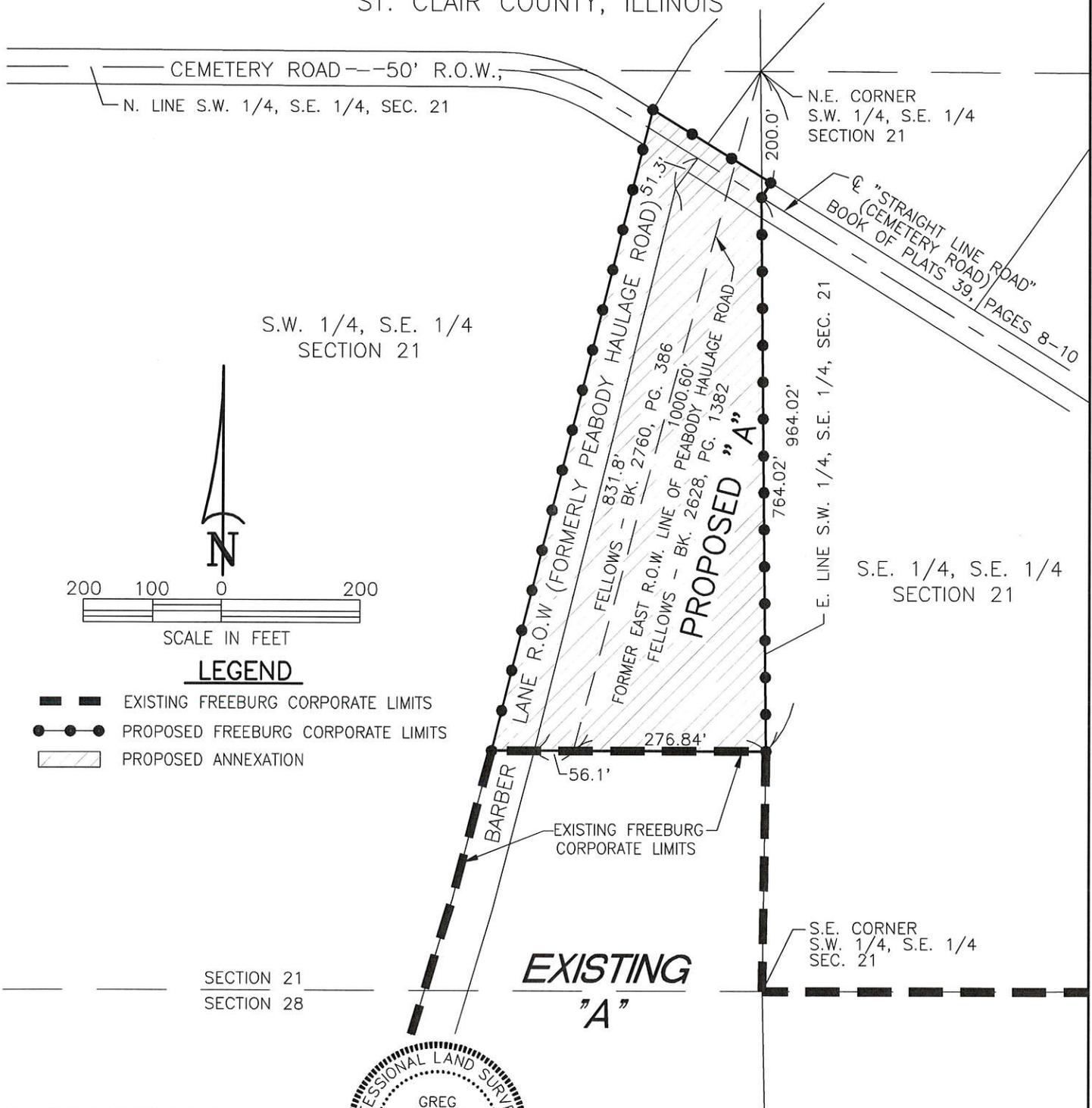
Subscribed and sworn to before me this, 9 day of March, 2020.

Jane A Krampfer
Notary Public



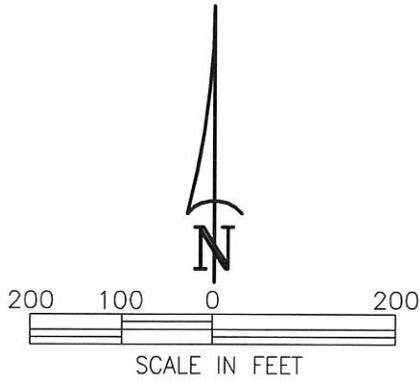
ANNEXATION PLAT ORDINANCE NO. 1698 FREEBURG, ILLINOIS

PART OF THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 21
T. 1 S., R. 7 W. OF THE 3RD P.M.
ST. CLAIR COUNTY, ILLINOIS



S.W. 1/4, S.E. 1/4
SECTION 21

S.E. 1/4, S.E. 1/4
SECTION 21



LEGEND

-  EXISTING FREEBURG CORPORATE LIMITS
-  PROPOSED FREEBURG CORPORATE LIMITS
-  PROPOSED ANNEXATION

SECTION 21
SECTION 28

EXISTING
"A"

I DO HEREBY CERTIFY THAT THIS
ANNEXATION PLAT HAS BEEN PREPARED
UNDER MY DIRECT SUPERVISION

Greg J. Hahn 3/20/2020
GREG J. HAHN, I.P.L.S. NO. 3769 DATE
LICENSE EXPIRATION DATE: 11/30/2020



RHUTASEL and ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND SURVEYORS
FREEBURG, ILLINOIS SALEM, ILLINOIS
(618) 539-3178 (618) 532-1992
IL. LICENSE NO. 184-000287



RHUTASEL and ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND SURVEYORS

Village of Freeburg
Legal Description for Proposed David & Karen Fellows Annexation
March 20, 2020

Part of the southwest quarter of the southeast quarter of Section 21, Township 1 South, Range 7 West of the Third Principal Meridian, St. Clair County, Illinois, being more particularly described as follows:

Commencing at a stone at the northeast corner of the southwest quarter of the southeast quarter of Said Section 21; thence South on the east line of said quarter-quarter section, a distance of 200.0 feet to a point on the centerline of "Straight Line Road" (also known as "Cemetery Road"), reference being had to the plat thereof recorded in the Recorder's Office of said St. Clair County in Book of Plats "39" on pages 8, 9, and 10, the point of beginning of the tract of land herein described; thence continuing South on the east line of said quarter-quarter section, a distance of 764.02 feet to the southeast corner of a tract of land conveyed to David E. Fellows and Karen D. Fellows by Warranty Deed dated November 18, 1985 and recorded in said Recorder's Office in Book 2628 on pages 1382 & 1383; thence westerly a distance of 276.84 feet to the southwest corner of said tract, being the southeast corner of a 1.26 acre tract of land conveyed to Dave E. Fellows and Karen D. Fellows by Quit Claim Deed dated September 26, 1989 and recorded in said Recorder's Office in Book 2760 on pages 386-389; thence continuing westerly to the southwest corner of said 1.26 acre tract, being on the easterly right-of-way of the 60 feet wide public road known as Barber Lane; thence northeasterly on said easterly right-of-way line a distance of 831.8 feet to a point; thence northeasterly on said easterly right-of-way line, a distance of 51.3 feet to a point on the centerline of the above referenced "Straight Line Road"; thence southeasterly on said centerline to the point of beginning, and being contiguous with the corporate limits of the Village of Freeburg, Illinois; together with that part of the 60 feet wide public road right-of-way known as "Barber Lane" that lies west of and adjoining the west line of the above described tract, and that part of the 50 feet wide public road right-of-way of the above referenced "Straight Line Road" that lies north of and adjoining the north line of the above described tract.

VILLAGE OF FREEBURG

ORDINANCE NO. 1699

**AN ORDINANCE AMENDING THE FREEBURG ZONING
ORDINANCE FOR THE PURPOSE OF REZONING CERTAIN
PROPERTY COMMONLY KNOWN AS THE FELLOWS PROPERTY**

April 20, 2020

Return To:

**Village of Freeburg
14 Southgate Center
Freeburg, IL 62243**

ORDINANCE NO. 1699

**AN ORDINANCE AMENDING THE FREEBURG ZONING ORDINANCE
FOR THE PURPOSE OF REZONING CERTAIN PROPERTY
COMMONLY KNOWN AS THE FELLOWS PROPERTY**

WHEREAS, the Village of Freeburg, St. Clair County, State of Illinois, presently has in force The Freeburg Zoning Ordinance, which is contained in the Freeburg Municipal Code, as amended from time to time; and

WHEREAS, the Village Combined Planning and Zoning Board has complied with the provisions of 65 ILCS 5/11-13-14 and Article 40-23-1 of the Freeburg Zoning Ordinance regarding amendments of regulations and zoning districts by holding a public hearing on April 14, 2020 to consider the request for a rezoning of certain property owned by David E. Fellows and Karen D. Fellows, pursuant to notice as required by statute; and

WHEREAS, the property owners of certain property commonly known as the Fellows Property consisting of 4.27 acres in the Village of Freeburg, Illinois have filed an application for rezoning the Property from SR-1 to A (Agricultural);

WHEREAS, the map attached hereto, marked Exhibit A, is an accurate map of the property so sought to be rezoned and such rezoning shall be in accordance with the boundaries indicated on the map;

WHEREAS, as a result of said hearing, the Combined Planning and Zoning Board has made a recommendation to the Village Board that it approve the request for rezoning to A;

WHEREAS, the Board of Trustees has considered the recommendation of the Combined Planning and Zoning Board and has determined that it is in the best interest of the public health, safety and welfare and in compliance with the powers conferred upon the Village and the objectives and purposes set out in 65 ILCS 5/11-13-1, to adopt an amendment to the Freeburg Zoning Ordinance for the purpose of rezoning the Fellows' Property to allow A uses in accordance with the map attached hereto as Exhibit A; and

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR, COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: The Village of Freeburg Zoning Ordinance is hereby amended to change the zoning classification from Residential (SR-1) to A (Agricultural) on a tract of land consisting of approximately 4.27 acres in accordance with the map attached hereto as Exhibit A and as more particularly described herein on Exhibit B.

See legal description attached hereto as Exhibit B and incorporated herein as if fully set forth.

Section 2: That all other provisions of said Zoning Ordinance, as amended from time to time, shall remain unchanged and in full force and effect except as specifically amended by this Ordinance.

ORDINANCE NO. 1699 cont.

Section 3: If a court of competent jurisdiction declares any provision of this Ordinance unconstitutional or invalid, that decision shall not affect the validity of the remainder of this Ordinance.

Section 4: This Ordinance shall be effective upon its passage, signing and publication as required by law.

PASSED by the Board of Trustees of the Village of Freeburg, Illinois, this 20th day of April, 2020.

AYES _____

NAYS _____

ABSENT _____

ABSTAIN _____

Approved this 20th day of April, 2020.

Seth E. Speiser
Village President

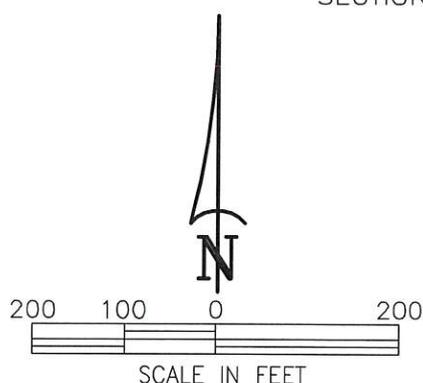
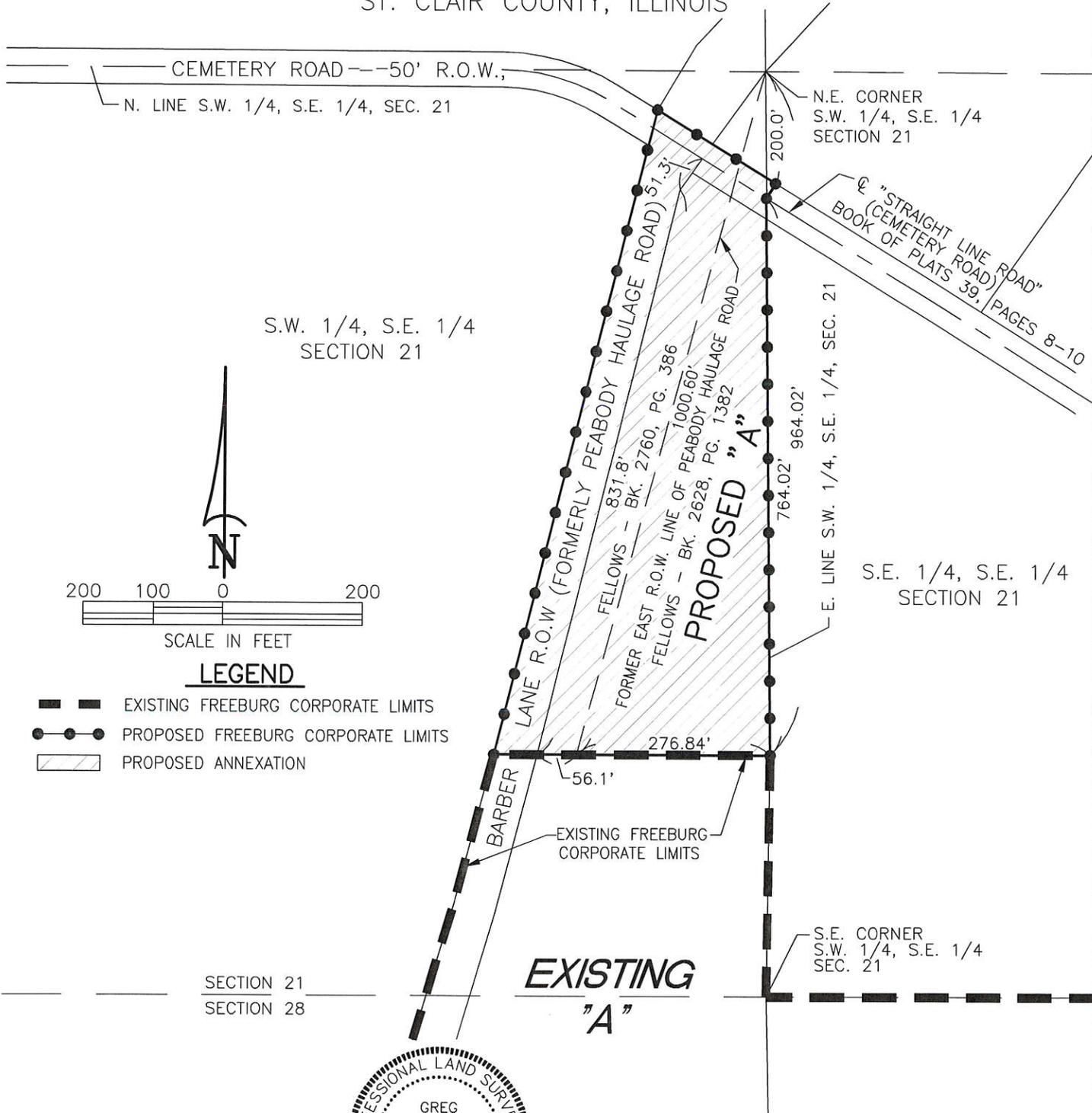
ATTEST:

Jerry Menard, Village Clerk

Approved as to Legal Form:

ANNEXATION PLAT ORDINANCE NO. 1698 FREEBURG, ILLINOIS

PART OF THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 21
T. 1 S., R. 7 W. OF THE 3RD P.M.
ST. CLAIR COUNTY, ILLINOIS



LEGEND

- EXISTING FREEBURG CORPORATE LIMITS
- PROPOSED FREEBURG CORPORATE LIMITS
- PROPOSED ANNEXATION

I DO HEREBY CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION

Greg J. Hahn 3/20/2020

GREG J. HAHN, I.P.L.S. NO. 3769 DATE
LICENSE EXPIRATION DATE: 11/30/2020



RHUTASEL and ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND SURVEYORS
FREEBURG, ILLINOIS SALEM, ILLINOIS
(618) 539-3178 (618) 532-1992
IL. LICENSE NO. 184-000287



RHUTASEL and ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND SURVEYORS

Village of Freeburg
Legal Description for Proposed David & Karen Fellows Annexation
March 20, 2020

Part of the southwest quarter of the southeast quarter of Section 21, Township 1 South, Range 7 West of the Third Principal Meridian, St. Clair County, Illinois, being more particularly described as follows:

Commencing at a stone at the northeast corner of the southwest quarter of the southeast quarter of Said Section 21; thence South on the east line of said quarter-quarter section, a distance of 200.0 feet to a point on the centerline of "Straight Line Road" (also known as "Cemetery Road"), reference being had to the plat thereof recorded in the Recorder's Office of said St. Clair County in Book of Plats "39" on pages 8, 9, and 10, the point of beginning of the tract of land herein described; thence continuing South on the east line of said quarter-quarter section, a distance of 764.02 feet to the southeast corner of a tract of land conveyed to David E. Fellows and Karen D. Fellows by Warranty Deed dated November 18, 1985 and recorded in said Recorder's Office in Book 2628 on pages 1382 & 1383; thence westerly a distance of 276.84 feet to the southwest corner of said tract, being the southeast corner of a 1.26 acre tract of land conveyed to Dave E. Fellows and Karen D. Fellows by Quit Claim Deed dated September 26, 1989 and recorded in said Recorder's Office in Book 2760 on pages 386-389; thence continuing westerly to the southwest corner of said 1.26 acre tract, being on the easterly right-of-way of the 60 feet wide public road known as Barber Lane; thence northeasterly on said easterly right-of-way line a distance of 831.8 feet to a point; thence northeasterly on said easterly right-of-way line, a distance of 51.3 feet to a point on the centerline of the above referenced "Straight Line Road"; thence southeasterly on said centerline to the point of beginning, and being contiguous with the corporate limits of the Village of Freeburg, Illinois; together with that part of the 60 feet wide public road right-of-way known as "Barber Lane" that lies west of and adjoining the west line of the above described tract, and that part of the 50 feet wide public road right-of-way of the above referenced "Straight Line Road" that lies north of and adjoining the north line of the above described tract.

4 Industrial Drive, P.O. Box 97
Freeburg, Illinois 62243-0097
Phone: (618) 539-3178
FAX: (618) 539-3174
E-Mail: raai.freeburg@rhutasel.net
Website: www.rhutasel.net

2019 - 20 APPOINTMENTS

POSITION	CURRENT APPOINTEE	2019-20 APPOINTMENT
Treasurer	Bryan Vogel	Bryan Vogel
Administrator	Tony Funderburg	Tony Funderburg
Public Works Director	John Tolan	John Tolan
Assistant Public Works Director		
Chief of Police	Mike Schutzenhofer	Mike Schutzenhofer
ESDA Coordinator	Gene Kramer	Gene Kramer
Village Attorney	Weilmuenster Law Group	Weilmuenster Keck Brown
Zoning Administrator	Matt Trout	Matt Trout
COMBINED PLANNING/ZONING BOARD		
1.	Lee Smith	Lee Smith (5 years)
2.		
3.		
4.		
5.		
Trustee		
1.		
2.		
3.		
4.		
5.		

VILLAGE PRESIDENT

Seth Speiser

VILLAGE CLERK

Jerry Menard

VILLAGE TRUSTEES

Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER

Bryan A. Vogel

VILLAGE OF FREEBURG**FREEBURG MUNICIPAL CENTER**

14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

Combined Planning and Zoning Board
Tuesday, March 10, 2020 at 6:00 p.m.

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster Keck Brown, P.C.

The meeting of the Combined Planning and Zoning Board was called to order at 6:02 p.m. on Tuesday, March 10, 2020 in the Municipal Center by Acting Chairperson Gary Mack. Members present were Chairperson Steve Woodward (absent), Dirk Downen, Rita Green, Kevin Groth (absent), Gary Henning (absent), Gary Mack, Lee Smith (absent), Zoning Administrator Matt Trout and Office Manager Julie Polson. Guests present: Trustee Mike Heap and Mike Blaies. With 3 present and 4 absent, there was not a quorum.

PLAN COMMISSION:**A. Old Business:**

1. Approval of February 25, 2020 Minutes: Minutes could not be approved due to the lack of quorum.
2. Zoning Code Review: Starting with Article II – General Zoning Regulations, this would be where we add estate lots. Mobile Housing was changed to Manufactured Housing.

40-2-5, Annexed territory: Dirk asked what happens if someone wants to annex in other than SR-1. Julie said this board will hear the request for a zoning amendment, and their recommendation would go to the Village Board for a vote.

40-2-10, Front setback: Rita asked if we removed setback as a definition, and we revised it to setback line at the last meeting.

40-2-12, Intrusions into yards: The committee discussed this section at length, specifically the issue of smaller yards where allowing these intrusions could leave very little room between the intrusion and property line. After a lengthy discussion, language was added after requirements: as long as no previous variance had been granted and is maintained at least 3 feet from the lot line. Under porches, remove at ground level. This is an area to be aware of when a building permit is requested and reviewed by the Zoning Administrator. A variance is only required if the feature is outside the maximum intrusion. Rita asked if there could be a minimum like with detached garage.

40-2-15, Accessory Uses: Rita wanted to change the definition of accessory use (1), from subordinate in size or purpose to subordinate in size and purpose. Gary felt we should leave it as is because that makes the definition more broad in scope. Rita doesn't remember seeing a restriction that the building has to be smaller than the principal structure. Matt confirmed it is noted under the accessory use definition. Belleville makes you build your primary structure first. Matt feels we need to protect ourselves moving forward. Rita feels we should have something in our code that states no accessory structure will be allowed unless the principal structure exists. Matt discussed whether this should be applied under the agricultural lots. He feels it should be restricted in every zoning district and then come in for a variance if needed. Added under General

Limitations, (4): The principal structure must be constructed prior to constructing the accessory structure.

40-2-16: Matt said under Setbacks, he added #3 which reads: Accessory structures must be at least 10 feet from the primary structure. Matt said a lot of communities are doing this so it avoids a building being set right next to the primary structure and be more spaced out. It might not work on the smaller lots in town. Rita has seen it used so people couldn't connect the accessory structure to the primary structure and consider it all one structure.

Dirk questioned 40-2-16 (A)(1) where it states a maximum of one incidental structure such as a shed for storage, potting, tools, etc. per unit shall be allowed as an accessory use per one and two family dwelling excluding the agriculture district. He also mentioned 40-2-16(A)(3) where it states, one detached garage or covered carport shall be allowed as an accessory structure per one and two family dwelling. If he has a duplex, does that mean one potting shed and one garage for each unit? Mike Blaies said a lot of duplexes have a carport and then a shed attached to the back of the carport. Matt said in his mind, this is in place to eliminate a number of small sheds on the property. Dirk said there is a limit, you can have a garage and one accessory structure, so that is two you are allowed to have. The way this reads, he can have two of those per two-family dwelling, not per unit. Dirk said he's on the fence of whether it should be a garage per unit or per building. To Gary, he thinks it should be per dwelling. Under 40-2-16(A)(3), added unit at end of sentence. Rita asked about the front yard issue, and Dirk said it is under the setback restrictions, 40-2-16(C)(1).

40-2-16(C)(1), Setbacks: Currently it reads, no accessory use in any zoning district shall be located in any part of any front yard that is required because of the setback regulations of such district. All other setback requirements are established in the area-bulk schedule in Section 40-2-17. Rita said we are talking about the potential space between the front of the house and the building line. Gary doesn't think we should have anything there and Matt agreed. Rita said this is supposed to be a standard for the majority of the village. This was changed to read: No accessory use in any zoning district shall be located between the front lot line(s) and the principal structure. All other setback requirements are established in the area-bulk schedule in Section 40-2-17.

40-2-18, Parabolic or Dish-Type Antennas: Dirk said certain vendors have distance limitations so if you have a sprawling building, you need more than one dish. Currently, screening is deemed necessary for commercial installations. Necessary if the zoning administrator believes so. Matt believes this section of the code is irrelevant. Item (K) that dealt with a violation of the Code and was removed.

40-2-19, Single Side Yard; Special Use Permit: Dirk feels the 1,000 square feet required floor area is too big. Matt said this doesn't say footprint, but this is a whole. For accessory buildings, we used footprint. The garages, open porches, cellars and basements are not included. Matt would like to see something like this with a minimum square footage requirement in single family in general. Matt said around 1,000 square feet is where he is thinking. This is something the committee can think about. Rita thinks the average house being built is about 1500 square feet. If we go larger than that, we could have more issues down the road.

The solar section is pretty new and Matt thinks we are good with that. We will start with Planned Development next.

B. New Business:

BOARD OF APPEALS:

A. Old Business: None.

B. New Business: None.

C. General Concerns: None.

D. Public Participation: None.

E. Adjourn: *Gary Mack motioned to adjourn the meeting at 7:55 p.m. and Rita Green seconded the motion. All voting yea, the motion carried.*



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Office Manager

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Weilmuenster Keck Brown, P.C.

ELECTRIC COMMITTEE MEETING (Blaies/Albers/Heap/Meehling) Wednesday, April 15, 2020 at 5:30 p.m.

The meeting of the Electric Committee was called to order at 5:30 p.m. on Wednesday, April 15, 2020 by Chairman Mike Blaies. Committee members present were Chairman Mike Blaies, Trustee Denise Albers, Trustee Mike Heap, Trustee Lisa Meehling, Mayor Seth Speiser, Village Clerk Jerry Menard (absent), Trustee Bob Kaiser, Trustee Ray Matchett, Public Works Director John Tolan, Head Lineman Shane Krauss, Zoning Administrator Matt Trout, Village Attorney Fred Keck, Village Administrator Tony Funderburg and Office Manager Julie Polson. Guests present: Water/Sewer Department Leader Gregg Blomenkamp and Crew Worker Trevor Breitwieser.

A. OLD BUSINESS:

1. Approval of March 11, 2020 Minutes: *Trustee Denise Albers motioned to approve the March 11, 2020 minutes and Trustee Lisa Meehling seconded the motion.* All voting yea, the motion carried.
2. Customer Issues: Head Lineman Shane Krauss advised our power outage on April 8th was due to Ameren's loss of power of their feed to us. It affected us as well as New Athens, Smithton and Monroe County. We had everyone up and running in 20 minutes and generated for a little over 2 hours. Both plants were going again, and we didn't need unit 6. Shane rotated and ran all of the generators that night with no issues. Shane said we had a call on April 13th for a customer experiencing his power going on and off. It turned out to be a bad breaker on their side, and it was fixed today. The electric primary was relocated for the homeowner with the dam issue. Shane stopped by Moto yesterday, and nothing is staked out yet. Once it is, will use the hydro excavator to find out where our wire is.
3. IMEA Energy Efficiency Grant: Shane received an inquiry from a restaurant owner working on a remodel. He gave him all the information and links to IMEA for the forms. John had also spoken with him and advised him to contact Rodd Whelpley. We have approximately \$9,000 in that account.
4. North Substation CAT Work: Shane has this scheduled for April 20th and 21st. He will report back after the work has been completed.
5. Unit #6 Circuit Breaker Repair: Shane said the quote for the circuit breaker said this would be scheduled for July 6th if we approved the drawings by May 6th. We had that done well before May 6th, so we are hoping to have knocked off several weeks of the July 6th date. Shane received the prints on it, and checked the concrete footing. He confirmed it will fit on the existing footings. The old one will be scrapped.
6. CAAPP Permit Renewal: John advised this has been approved by IEPA. He doesn't believe the cost will be as high as quoted. The permit is good for 5 years.

Electric Committee Meeting Minutes
Wednesday, April 15, 2020
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Shane reported that we received \$1,975 from the Purple Wave auction of our scrap items. Tony confirmed the money received will go back to the appropriate department.

B. NEW BUSINESS: John attended a special IMEA meeting today. They are offering a bill payment deferral of 25 percent. To qualify, the municipality's application must show where it has at least 25% of under collected debt from its town. This will be offered again in May. There is also going to be an additional \$41,000,000 sent to Liheap which should help us a little bit. John reported we are doing good with energy pricing right now. Trustee Albers asked if we have problems with people paying. Tony said the late fees have been waived. He has a spreadsheet of our projected losses, and said this will start affecting us especially if we go past May 1st. Tony commented the avenues we have to collect monies have been shut down. He referred to the Local Debt Recovery program as being one of them. Tony has created a budget spreadsheet reflecting the possible changes due to COVID-19. Attorney Keck said there is a moratorium as to our ability to actively collect the bills. He is unsure if we can we retroactively apply late fees. He will advise if he hears anything. Mayor Speiser commented we will lose approximately \$3,500 a month in late fees.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Denise Albers motioned to adjourn at 5:58 p.m and Trustee Lisa Meehling seconded the motion. All voting yea, the motion carried.*



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Office Manager

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PUBLIC WORKS COMMITTEE MEETING Trash/Water/Sewer (Kaiser/Blaies/Heap/Meehling) Wednesday, April 15, 2020 at 5:45 p.m.

The Public Works Committee Meeting was called to order at 5:49 p.m. on Wednesday, April 15, 2020, by Chairman Bob Kaiser. Members present were Chairman Bob Kaiser, Trustee Mike Blaies, Trustee Mike Heap, Trustee Lisa Meehling, Mayor Seth Speiser, Village Clerk Jerry Menard (absent), Trustee Denise Albers, Trustee Ray Matchett, Public Works Director John Tolan, Water/Sewer Department Leader Gregg Blomenkamp, Crew Worker Trevor Breitwieser, Village Attorney Fred Keck, Village Administrator Tony Funderburg and Office Manager Julie Polson. Guests present: Dan Wiskamp and Janet Baechle (6:12 p.m.).

A. OLD BUSINESS:

1. Approval of March 11, 2020 minutes: *Trustee Mike Blaies motioned to approve the March 11, 2020 minutes and Trustee Mike Heap seconded the motion. All voting yea, the motion carried.*
2. New Sewer Plant/Sewer Loan: Public Works Director John Tolan has had a couple of meetings with Burns & McDonnell to finalize the design. They have reduced the size of the admin building. He also also met with Ally reviewing the CMOM storm water overflows. We received approval to be on the funding track for the low interest loan. The current timetable would be to go out to bid in July and construction would start in October. We still need to have a meeting to discuss the projected cost and rate structure.
3. Sewer issues: John advised we had a couple sewer issues this past month. Tim Kunklemaan had a slow drain on his sewer. John is going to clean and televise that area as well as around the grade school, behind Market Place and Don Gass' property at 2 S. Cherry.

Mayor Speiser brought up Barb Winterbauer's sewer issues, and John explained her water line was hit and a lot of mud got into her line. He had her meter flushed out and was still experiencing problems. John agreed with the Mayor that we need to work something out with her. Tony is working on it.

4. FSH Minutes: John said they tried to set up a meeting on Zoom, but they didn't have a quorum or a meeting.
5. Old Freeburg Road Water Line: John received an email TWM advising the railroad denied the permit. Chris will correct the items and resubmit it to them. They will not charge us another permit fee.
6. Water System Study: John said he met virtually with TWM, but he needs to have a face-to-face meeting with them to understand what they are trying to do. They are presenting phases on replacing the water mains in town, with the first one being around the schools.

Water/Sewer Committee Meeting
Wednesday, April 15, 2020
Page 1 of 2

Regarding Edison Estates, Zoning Administrator Matt Trout said we have received TWM's review, and that has been sent to Tim at Rhutasel. Tim resubmitted the changes late last week with the revised drainage and answered all the questions we and TWM had. Tim is working with IEPA on some clarifications needed for the water permit. Matt said that John did push to have Rhutasel and/or the developer to get a water flow test done. We asked for an independent test to be done since it is going to be very close to the 1,000 gallons a minute at 20 psi. John said this test has been done with the other developments in Freeburg. We want that done before the infrastructure is put into place. Mark White approved having that test done. Both Matt and John feel comfortable moving this forward to the Combined Planning/Zoning Board. Matt advised Mark does have equipment out there and has the EPA permit to grade the dirt. The committee was okay with this going back to the Combined Planning/Zoning Board. Matt will keep this board apprised of any updates.

B. NEW BUSINESS: John advised we had a leak on the East tower where the bowl and standpipe meet. TriKote came out, shut down the tower, welded the leak and disinfected the water. Today we collected the first of two samples, and we will be able to open back up after the test comes back. We were able to isolate it and no boil order was needed. John stated the TTHMS and HAAs sampling back for February with good results. Gregg is working on the cross connection control surveys, nitrification action plan, and making corrections on the GIS system. John also said that he was able to get more protective gear. We are seeing reports of it showing up in the sewer, so our guys are very careful wearing stuff the PPE and disinfecting everything.

C. GENERAL CONCERNS: None

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Mike Blaies motioned to adjourn the meeting at 6:18 p.m. and Trustee Mike Heap seconded the motion. All voting yea, the motion carried.*



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Office Manager

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Public Property Committee Meeting
Streets/Municipal Center/Pool/Parks & Recreation
(Matchett/Albers/Heap/Kaiser)
Wednesday, April 15, 2020 at 6:00 p.m.

The meeting of the Public Property Committee was called to order at 6:19 p.m., on Wednesday, April 15, 2020, in the Municipal Center by Chairman Ray Matchett. Members present were Chairman Ray Matchett, Trustee Denise Albers, Trustee Mike Heap, Trustee Bob Kaiser, Mayor Seth Speiser, Village Clerk Jerry Menard (absent), Trustee Mike Blaies, Trustee Lisa Meehling, Public Works Director John Tolan, Crew Worker Trevor Breitwieser, Zoning Administrator Matt Trout, Village Administrator Tony Funderburg and Office Manager Julie Polson. Guest present: Janet Baechle.

POOL: A. OLD BUSINESS: None.

B. NEW BUSINESS: Village Administrator Tony Funderburg said at some point we need to talk about what to do with the pool. John said May 1st is the date he needs to get going on the pool if we want to open. The diving board install will be discussed in the next Finance committee.

STREETS: A. OLD BUSINESS:

1. Approval of March 11, 2020 Minutes: Trustee Denise Albers motioned to approve the March 11, 2020 minutes and Trustee Mike Heap seconded the motion. All voting yea, the motion carried.
2. E. Apple Street Proposed Repair: John said we will go out for qualifications on the engineer.
3. Drainage Problem Areas/Stormwater Run-Off: John has nothing new on this.
4. Customer Issues: John has nothing new on this.
5. MFT: John said the cost for slag is outrageous at \$21.34/ton, so he looked for some options. Fred Weber Quarry quoted \$15/ton but then added \$19/ton for freight. We are back to slag, and IDOT agreed to do a single source on the slag and agreed we did not have to rebid it. Jeff Reis will send them the single source letter. Tony stated we have been guaranteed by the governor to receive the money. He will believe it when it hits the bank.
6. Sale of 310 W. Washington: Attorney Keck confirmed he has sent the purchase contract to the tile company. He received the title report today, and he needs to verify one boundary line with the county. It should close in the next two weeks.

Mayo Speiser commented on our employees' status during the COVID-19 pandemic. He believes it is in our best interests to keep our employees safe. John has the guys working on a rotation coming in at different times. He will begin mosquito spraying by the middle of May. Trustee Meehling asked if furloughs can be considered, and Tony said we can, but that can only be discussed in closed session. Attorney Keck confirmed that is a closed session topic. Tony has been working on the budget numbers and needs a little more time before he feels comfortable discussing this. Attorney Keck believes the approach the mayor is recommending is the right thing to do.

- B. NEW BUSINESS:** None.
- C. GENERAL CONCERNS:** Zoning Administrator Matt Trout asked everyone to get their Statement of Economic Interest done. The deadline to file the statement is May 1st.
- D. PUBLIC PARTICIPATION:** Janet Baechle said Mark Vollmer leveled off the yard and added dirt to hers. John stated we will keep an eye on it. There are 3 foundations going in at Meadow Pines, and Matt said 3 – 4 more have been sold.
- E. ADJOURN:** *Trustee Denise Albers motioned to adjourn the meeting at 6:53 p.m. and Trustee Mike Heap seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager