

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Rita Baker
Charlie Mattern
Kevin Groth
Corby Valentine
Steve Smith
Tony Miller

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
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

December 1, 2008

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEES (Annexation; Building; Zoning; Subdivision) Groth/Baker/Mattern

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, December 3, 2008, at 5:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items To Be Discussed

- A. Old Business
 - 1. Approval of November 5, 2008 Minutes
 - 2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code
 - 3. Status of Public Hazard Homes
 - 4. TIF Litigation
 - 5. Stumpf lawnmower repair business
 - 6. Drainage easement grades
 - 7. Bill's Autobody
 - 8. Identity Theft Program
- B. New Business
 - 1. Tax Abatement Ordinance
 - 2. Dusk to Dawn Lighting
- C. General Concerns
- D. Public Participation
- E. Adjourn

At said Legal and Ordinance Meeting, the Village 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)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c) (1) a.]; or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Groth/Baker/Mattern)
Wednesday, December 3, 2008 at 5:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:32 p.m. by Chairman Kevin Groth on Wednesday, December 3, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Trustee Corby Valentine, Mayor Ray Danford, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of November 5, 2008 Minutes: Trustee Rita Baker motioned to approve the November 5, 2008 minutes and Trustee Kevin Groth seconded the motion. All voting aye, motion carried.
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Kevin asked for the minutes to be included in the next meeting packet.
3. Status of Public Hazard Homes: Dennis advised he talked to Steve Wigginton who needs to get the status of the Compton house from Attorney Manion.
4. TIF litigation: This will be discussed at the Committee as a Whole meeting tonight.
5. Stumpf lawnmower repair: Dennis advised Mr. Stumpf's attorney has withdrawn from the case. It is set for a bench trial on January 20, 2009. The ticket was issued for operating a business in a residential district. Kevin asked for Phil to monitor the situation and have the police officers take pictures if he sees anymore lawnmowers sitting out.
6. Drainage easement grades: Dennis has not worked on this item.
7. Bill's Autobody: Dennis advised he has not heard from Brian Manion. He will call him again on this issue.
8. Identity Theft Program: Dennis is in the process of getting the resolution changed over to an ordinance and will have available at the next committee meeting.

Legal and Ordinance Committee Meeting
Wednesday, December 3, 2008
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B. NEW BUSINESS:

1. Tax Abatement Ordinance: Dennis advised this is the annual tax abatement ordinance that needs to be done and filed at the County by the last Tuesday in December.

Trustee Rita Baker motioned to recommend to the full Board the Tax Abatement Ordinance be approved and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

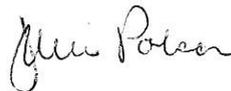
2. Dusk to Dawn Lighting: Kevin asked for this item to stay on the agenda and would be discussed in more detail at the next meeting. Julie will put a copy of the current ordinance in effect into everyone's mailbox and also the next committee packet. Kevin thought it might be a good idea to divide it between residential and commercial customers. Charlie had the idea of limiting the distance of the lights.

C. GENERAL CONCERNS: Ray talked about the first meeting of the Community Improvement Board. They discussed trying to address specific issues such as building materials for businesses, nuisance abatement and how far to go with that including inspections. They wanted to check our current nuisance code to see if we just need to enforce what we have a little more aggressively or expand the code. Kevin asked how our user friendly our code book is----are they centrally located or spread throughout the code book. Dennis said it depends on where the committee goes with it. If we decide we truly want a property maintenance code, we would need a new section in the code book. If we want to make some minor changes to the nuisance code, changes on building materials, we could make those changes. Ray said with the discussion we had, it would cover the entire code book. Dennis said the committee is looking at buildings that are in between a brand new building and ones that are ready to tear down.

Kevin advised the Comptom house porch was taken down, it looks like they've tried to clean it up. Dennis and Phil will take a look at it and advise the attorneys if they need to.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:50 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Groth/Baker/Mattern)
Wednesday, November 5, 2008 at 5:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:13 p.m. by Chairman Kevin Groth on Wednesday, November 5, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of October 1, 2008 Minutes: Trustee Rita Baker motioned to approve the October 1, 2008 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Julie reported she is in the process of setting up a meeting to be held shortly.
3. Status of Public Hazard Homes: Dennis advised he and Ron looked at the Compton house (1968 E. State Route 15) and provided the information to Brian to proceed with the Notice of Demolition. Brian issued the 15-day notice. If Sheets decides the fight, then we will hire the structural engineer to provide a more detailed report. Brian advised he has not heard anything with regard to the appeal.
4. TIF litigation:

EXECUTIVE SESSION 5:17 P.M.

Trustee Rita Baker motioned to enter into Executive Session at 5:25 p.m. citing litigation, 5 ILCS, 120/2-(c)(11) and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

EXECUTIVE SESSION ENDED 5:25 P.M.

Trustee Rita Baker motioned to reconvene the regular session of the Legal/Ordinance Committee meeting at 5:26 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

Legal and Ordinance Committee Meeting
Wednesday, November 5, 2008
Page 1 of 3

5. Stumpf lawnmower repair: Dennis advised Mr. Stumpf's attorney has withdrawn from the case. Dennis did meet with him and Ken Stumpf and gave them the special use permit application. He was left with the impression they were going to file but has not heard anything from them. He will talk to Brian Manion to move forward with the citation and also get more details from Brian on what our options area.

6. Ordinance for recording meetings: A copy of this ordinance was provided and the committee agreed to move forward with it.

Trustee Rita Baker motioned to recommend the ordinance regarding recording closed sessions to the full Board and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

7. Ordinance for drainage easement grades: Dennis talked to Scott Saeger, Smithton's Village Engineer, and he said they basically handle it the same way we do. He goes out to review the situation and provide advice. They do not have anything in their ordinance to address this situation. Dennis also contacted Wayne Kaufman of the Illinois EPA and he told Dennis he has been gathering ordinances from other towns with regard to this problem. He will get copies of them to Dennis.

8. Bill's Autobody: Dennis advised Brian Manion is still working on this.

9. Identity Theft Program: Dennis advised he received a comment that this program should be in ordinance form. After discussion, Dennis will find out how to put this in ordinance form and have available at the next committee meeting.

B. NEW BUSINESS:

1. Fireworks: Ray advised the committee the Chamber of Commerce intends to ask the Park Board to sponsor the fireworks. Item can be taken off the agenda.

2. Kuklinski/Wilkerson Annexations: Dennis advised the Gary Kuklinski, Verna Kuklinski and Wilerson properties on State Route 15 are in the process of voluntarily annexing into the Village as SR-1. Gary's property was questioned as he is operating a business and Dennis said since that business is already operating, it is grandfathered in. Dennis did advise Gary that he could not operate a different business in a SR-1 district.

Kevin asked about moving down Old Freeburg Road and annexing those properties, and Dennis advised he had talked to Zimmerman and Heberer who are not interested. Zimmerman said if he ever had to, he would annex into Freeburg. He is not sure we can offer them much in the way of an enticement.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:47 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*

A handwritten signature in cursive script that reads "Julie Polson".

Julie Polson
Office Manager

VILLAGE OF FREEBURG

ORDINANCE NO. _____

TAX ABATEMENT ORDINANCE FOR
THE VILLAGE OF FREEBURG

ADOPTED BY THE
VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF FREEBURG
THIS 15th DAY OF DECEMBER, 2008

ORDINANCE NO. _____

AN ORDINANCE ABATING THE TAX HERETO LEVIED FOR THE
YEAR 2008 TO PAY THE PRINCIPAL OF AND INTEREST ON \$5,960,000 GENERAL
OBLIGATION BONDS (ELECTRIC SYSTEM
ALTERNATE REVENUE SOURCE), SERIES 2005, OF THE
VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS

WHEREAS, the President and Board of Trustees of the Village (the "Corporate Authorities") of the Village of Freeburg, St. Clair County, Illinois (the "Village"), by Ordinance No. 1202 adopted on the 5th of December, 2005 and a Notification of Sale of Bonds, dated December 7, 2005 (together, the "Ordinance"), did provide for the issue of not to exceed \$7,000,000 General Obligation Bonds (Electric System Alternate Revenue Source), Series 2005 (the "Bonds"), and the levy of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the Pledged Revenues (as defined in the Ordinance) have been determined by the Village Treasurer to provide an amount not less than 1.25 times debt service of all Outstanding Bonds (as defined in the Ordinance) in the next succeeding bond year (June 1st and December 1st); and

WHEREAS, the Revenues have been deposited in the Village of Freeburg 2005 Bond Fund (as created in the Ordinance) in an amount sufficient to pay debt service on all Outstanding Bonds in the next succeeding bond year; and

WHEREAS, it is necessary and in the best interests of the Village that the tax heretofore levied for the year 2008 to pay the principal of and interest on the Bonds be abated.

NOW, THEREFORE BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. Abatement of Tax. The Tax heretofore levied for the year 2008 in the Ordinance is hereby abated in its entirety.

SECTION 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the Village Clerk shall file a certified copy hereof with the County of St. Clair, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2008 in accordance with the provisions hereof.

SECTION 3. Effective Date. This Ordinance shall be in full force and effect forthwith upon its passage by the Corporate Authorities and signing and approval by the Village President.

PASSED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS 15th DAY OF DECEMBER, 2008.

Vote Recorded:

AYES _____

NAYS _____

ABSENT _____

ABSTAIN _____

ABSENT _____

ABSTAIN _____

Raymond S. Danford, Village President

ATTEST:

Jerry L. Menard, Village Clerk

Approval as to Legal Form: _____
Stephen R. Wigginton, Village Attorney

CERTIFICATION

I, Jerry Lynn Menard, the duly elected Clerk of the Village of Freeburg certify that the foregoing Ordinance is a true and correct copy of the Ordinance adopted by the Board of Trustees of the Village of Freeburg on December 15, 2008.

Jerry Lynn Menard,
Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF ST. CLAIR) SS

Filing certificate

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM THE DULY QUALIFIED AND ACTING County Clerk of the County of St. Clair, Illinois, and as such official I do further certify that on the _____ day of _____, 2008, there was filed in my office a duly certified copy of Ordinance No. _____ entitled:

AN ORDINANCE ABATING THE TAX HERETO LEVIED FOR THE YEAR 2008 TO PAY THE PRINCIPAL OF AND INTEREST ON \$5,960,000 GENERAL OBLIGATION BONDS (ELECTRIC SYSTEM ALTERNATE REVENUE SOURCE), SERIES 2005, OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS.

(the "Ordinance") duly adopted by the Village Board of Trustees of the Village of Freeburg, St. Clair County, Illinois (the "Village"), on the 15th day of December, 2008, and that the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the year 2008 for the payment of the Village's \$7,000,000 General Obligation Bonds (Electric System Alternate Revenue Source), Series 2005, as described in the Ordinance will be abated in their entirety as provided in the Ordinance.

IN WITNESS WHEREOF I hereunto affix my official signature and the seal of said County this _____ day of _____, 2008.

Bob Delaney, County Clerk

(SEAL)