

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Ray Matchett, Jr.
Mike Blaies
Denise Albers
Dean Pruett
Mathew Trout
Lisa Meehling

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

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

VILLAGE ATTORNEY
Weilmuenster & Keck, P.C.

January 22, 2018

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEE Annexation; Building; Zoning; Subdivision (Pruett/Albers/Matchett/Meehling)

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, January 24, 2018, at 5:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

- A. Old Business
 - 1. Approval of December 27, 2017 Minutes
 - 2. Zoning Report/Nuisance Properties
- B. New Business
 - 1. Review of Annexation Agreement
 - 2. Change in Preliminary Plat Approval Time-Frame
 - 3. St. Clair County Zoning Board of Appeals Hearing for Austin Wolf
 - 4. St. Clair County Zoning Board of Appeals Hearing for Carolyn Davis
- 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)]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS, 120/2- (c)(2), real estate transactions [5 ILCS, 120/2 - (c)(5)]; discussion of executive session minutes, [5 ILCS-120/2-(c)(21)]; discussion of purchase or lease of real property for the use of the public body, [5 ILCS-120/2-(c)(5)]; or discussion of the setting of a price for sale or lease of property owned by the public body, [5 ILCS-120/2-(c)(6)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Pruett/Albers/Matchett/Meehling)
Wednesday, December 27, 2017 at 5:30 p.m.

VILLAGE ADMINISTRATOR
Tony Funderburg

VILLAGE TREASURER
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Michael J. Schutzenhofer

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The meeting of the Legal and Ordinance Committee was called to order at 5:30 p.m. by Chairman Dean Pruett on Wednesday, December 27, 2017, in the Freeburg Municipal Center. Members attending were Chairman Dean Pruett, Trustee Denise Albers, Trustee Ray Matchett, Trustee Lisa Meehling, Mayor Seth Speiser, Village Clerk Jerry Menard, Trustee Mike Blaies, Trustee Matt Trout, Zoning Administrator Gary Henning, Public Works Director John Tolan, Village Administrator Tony Funderburg, Office Manager Julie Polson and Police Chief Mike Schutzenhofer.

A. OLD BUSINESS:

1. Approval of November 29, 2017 Minutes: Trustee Lisa Meehling motioned to approve the November 29, 2017 minutes and Trustee Ray Matchett seconded the motion. All voting yea, the motion carried.
2. Zoning Report/Nuisance Properties: Zoning Administrator Gary Henning said his computer was down and did not have a report. Trustee Pruett asked for Gary to follow up with the Stout and Watters' properties. We are waiting on the attorney with respect to the Moerchen property.

B. NEW BUSINESS:

1. Resolution #18-01: A Resolution Urging the Governor to Veto Senate Bill 1451: Village Administrator Tony Funderburg advised this resolution will go to the governor's office. Public Works Director John Tolan advised we lose control of the pole and where the party's telecommunications equipment can be placed on it. They can also put a pole in an area where our equipment is underground.

Trustee Ray Matchett motioned to send Resolution #18-01 to the full Board for approval and Trustee Lisa Meehling seconded the motion. All voting yea, the motion carried.

Right Way Traffic turned in their building permit, however, we are waiting on the cost of the building in order to issue the permit. Tony advised the logging company still plans to build, and he has been going back and forth with Cannon.

C. **GENERAL CONCERNS:** None.

D. **PUBLIC PARTICIPATION:** None.

E. **ADJOURN:** Trustee Lisa Meehling motioned to adjourn at 5:35 p.m. and Trustee Denise Albers seconded the motion. All voting yea, the motion carried.


Julie Polson
Office Manager

Legal and Ordinance Committee Meeting
Wednesday, December 27, 2017

LEGAL/ORDINANCE MEETING

JANUARY 24th, 2018

Gary Henning Zoning Administrator

4 Occupancy Permits issued to date in January 2018:

4 Building Permit issued to date in January 2018:

1-Electric

1-Ice Machine

2-Wrecking Permits

Nuisances Corrected to date in January 2018 -- 4

Tony will email the board members the updated spreadsheet on current nuisances.

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2018, by and between _____ (Owners), _____, 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 ____ 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 _____ 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 ordinances 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.

3. **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.

4. **Water Supply/Sanitary Sewer/Electrical Service.**

- a) During the term of this Agreement, the Village agrees to allow the Owner to connect to the Village water system at Owner's option and Owner's expense, if and when water 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 water system connection shall supersede this paragraph.

- b) 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.
- c) 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.
- d) 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 ten (10) 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.

- h) The undersigned persons, whether signing individually, on behalf of a municipal corporation, or by an attorney-in-fact warrant themselves: (i) to be of lawful age, (ii) to be legally competent to execute this Agreement, (iii) to be fully authorized to execute this Agreement on behalf of themselves or the municipal corporation or other entity indicated below, and (iv) to have signed this Agreement on their own behalf or on behalf of such municipal corporation or other entity as their own free acts and deeds and/or the free acts and deeds of such municipal corporation or other entity after opportunity to consult with legal counsel.
- i) In the event any portion of this Agreement or part thereof shall be deemed invalid, such invalidity of said provision or part thereof shall not affect the validity of any other provision hereof.
- j) Unless stated otherwise herein, any notice required or permitted under this Agreement shall be in writing and shall be deemed given when mailed by registered or certified mail, return receipt requested, to the respective parties at their addresses listed below:

If to the Village:

Village of Freeburg, Illinois
Freeburg Municipal Center
14 Southgate Center
Freeburg, IL 62243
Attention: Mayor

With a copy to:

Mr. Fred Keck
Weilmuenster & Keck, P.C.
3201 W. Main Street
Belleville, IL 62226

If to the Owner:

Freeburg, IL 62243

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:

LIST OF EXHIBITS

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

- (4) Village Board Review. The Village Board shall accept or reject the preliminary plat within 30 days after its next regularly scheduled meeting following the action granting approval of the preliminary plat by the Commission, unless such time is extended by written mutual agreement of the Village Board and the applicant, or such preliminary plat will be deemed as approved. The Village Board shall indicate by letter whether the preliminary plat is approved or disapproved as submitted. If the preliminary plat is disapproved, the letter shall state the reasons for disapproval.
- (5) Official Approval. A certified copy of the letter of approval or disapproval by the Village Board shall be attached to the preliminary plat and shall be filed with the Village Clerk, one such copy shall be filed with the Zoning Administrator, and one copy shall be returned to the subdivider. Approval of the preliminary plat shall not qualify the preliminary plat for recording with the County Recorder of Deeds.
- (6) Rights and Privileges of Subdivider. Preliminary plat approval shall confer upon the subdivider the following rights and privileges:
 - (a) That the preliminary plat approval will remain in effect for a one year period. The applicant may, during this period, submit all of or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the Combined Planning and Zoning Board, have final approval of the last part of the plat delayed for a period not to exceed three years from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least one block in length.
 - (b) That the general terms and conditions under which the preliminary plat approval was granted will not be changed.

(Ord. 716, 3-16-87)

34-2-2. REQUIREMENTS.

- (A) Every preliminary plat shall be prepared by a land surveyor registered in the state.
- (B) The preliminary plat to be provided by the subdivider shall meet and include the following specifications and supporting data:
 - (1) Proposed name of the subdivision and location.
 - (2) Small key map showing the relation of the proposed subdivision to section or U.S. survey lines and to platted subdivisions and dedicated streets within 300 feet of the proposed subdivision.
 - (3) Names and addresses of the owner, subdivider, land planning consultant and the Illinois Registered Land Surveyor who prepared the preliminary plat.



COUNTY OF ST. CLAIR
DEPARTMENT OF BUILDING & ZONING BY: _____



PHONE (618) 825-2715
FAX (618) 277-0482



10 PUBLIC SQUARE
BELLEVILLE, ILLINOIS 62220-1623
www.co.st-clair.il.us

January 12, 2018

Ogle Farm LLC
Robert Stoneman
Todd Beiseigel ET AL
Steven & Julie Kelley

William M. Scott
Anne Ecker TR
Rudolph Schilling TR
Mary L. Endsley
Village of Freeburg

RE: 2017-19-SP -- Robert & Shelley Wolf, Owners
Austin R. Wolf, Applicant
4744 State Route 13, Freeburg, Illinois

DEAR SURROUNDING PROPERTY OWNERS:

Enclosed please find a copy of a "Notice of Public Hearing" which will appear in the January 14, 2018 issue of the Freeburg Tribune.

Please read this notice since the subject property is in the vicinity of property owned by you. We cannot contact everyone by mail, so feel free to discuss this with your neighbors. You are welcome to attend the public hearing and voice your opinions on this particular case.

This public hearing before the Zoning Board of Appeals will be held in the St. Clair County Building, County Board Room – 5th Floor, #10 Public Square, Belleville, Illinois, on Monday, February 5, 2017 at 7:00 P.M.

If you have any questions, please feel free to call.

Sincerely,


ANNE MARKEZICH, Director
Building & Zoning Department

AM:plc

NOTICE OF PUBLIC HEARING

BEFORE THE

ST. CLAIR COUNTY ZONING BOARD OF APPEALS

RE: 2017-19-SP

Notice is hereby given that a public hearing will be held before the Zoning Board of Appeals of St. Clair County, Illinois, on Monday, February 5, 2017 at 7:00 P.M., in the County Board Room, 5th Floor, St. Clair County Building, #10 Public Square, Belleville, Illinois, at which time and place the Board will consider the proposed variation to the County Zoning Ordinance as follows:

To consider a request for a Special Use Permit for a Planned Building Development pursuant to Section 40-9-3(H)(3) to allow a Metal Fabrication Business in an "A" Agricultural Industry Zone District, on the following described property: The W 1/2 of the NW 1/4 of the NW 1/4 and the West 6-acres of the E 1/2 of the NW 1/4 of the NW 1/4 all in Section 5, T. 2 S., R. 7 W., of the 3rd P.M., St. Clair County, Illinois containing 20.52-acres more or less.

Which is known as 4744 State Route 13, Freeburg, Illinois, in New Athens Township.

Said request was made by Robert & Shelley Wolf, 7636 Ponderosa Lane, Freeburg, Illinois, Owners and Austin R. Wolf, 6658 Goeddeltown Road, Waterloo, Illinois, Applicant.

All persons desiring to appear for or against said petition may appear at said hearing and be heard thereon.

Dated this 14th day of January, 2018.

ZONING BOARD OF APPEALS
ST. CLAIR COUNTY, ILLINOIS

BY: Anne Markezich, Secretary

Belleville News Democrat
Publication Date: 01/14/18

St Clair County Parcel Map



1 / 18 / 2018 10 : 34 : 50 AM

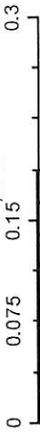
— Roads

Major Highways

— 20

— 30

1:9,028



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributor
GIS user community

Esri, HERE, Garmin, NGA, S/Cla



COUNTY OF ST. CLAIR
DEPARTMENT OF BUILDING & ZONING



PHONE (618) 825-2715
FAX (618) 277-0482

10 PUBLIC SQUARE
BELLEVILLE, ILLINOIS 62220-1623
www.co.st-clair.il.us

January 12, 2018

Thomas F. Biebel Sr.
Jon Dahm
Emelee Curley & Jon Dahm
Christopher Hurst

Michael & Barbara Magill
Donald Beisiegel TR
Village of Freeburg

RE: 2017-26-ABV -- WHD Properties LLC, Owners
Carolyn Davis, Applicant
8162 Red Ray Mine Road, Freeburg, Illinois

DEAR SURROUNDING PROPERTY OWNERS:

Enclosed please find a copy of a "Notice of Public Hearing" which appeared in the January 14, 2018 issue of the Belleville News Democrat.

Please read this notice since the subject property is in the vicinity of property owned by you. We cannot contact everyone by mail, so feel free to discuss this with your neighbors. You are welcome to attend the public hearing and voice your opinions on this particular case.

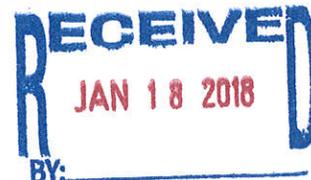
This public hearing before the Zoning Board of Appeals will be held in the St. Clair County Building, County Board Room – 5th Floor, #10 Public Square, Belleville, Illinois, on Monday, February 5, 2017 at 7:10 P.M.

If you have any questions, please feel free to call.

Sincerely,

ANNE MARKEZICH, Director
Building & Zoning Department

AM:plc



NOTICE OF PUBLIC HEARING

BEFORE THE

ST. CLAIR COUNTY ZONING BOARD OF APPEALS

RE: 2017-26-ABV

Notice is hereby given that a public hearing will be held before the Zoning Board of Appeals of St. Clair County, Illinois, on Monday, February 5, 2018 at 7:10 PM, in the County Board Room, 5th Floor, St. Clair County Building, #10 Public Square, Belleville, Illinois, at which time and place the Board will consider the proposed variation to the County Zoning Ordinance as follows:

To consider a request for an Area/Bulk Variance to allow the division of 6-acres instead of the 40-acres required and 50 ft. of frontage instead of the 100 ft. required in an "A" Agricultural Industry Zone District, on the following described property: Pt of Lot 4 of US Survey 386, Claim 523, reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois containing 89.55-acres more or less.

Which is known as 8162 Red Ray Mine Road, Freeburg, Illinois, in New Athens Township.

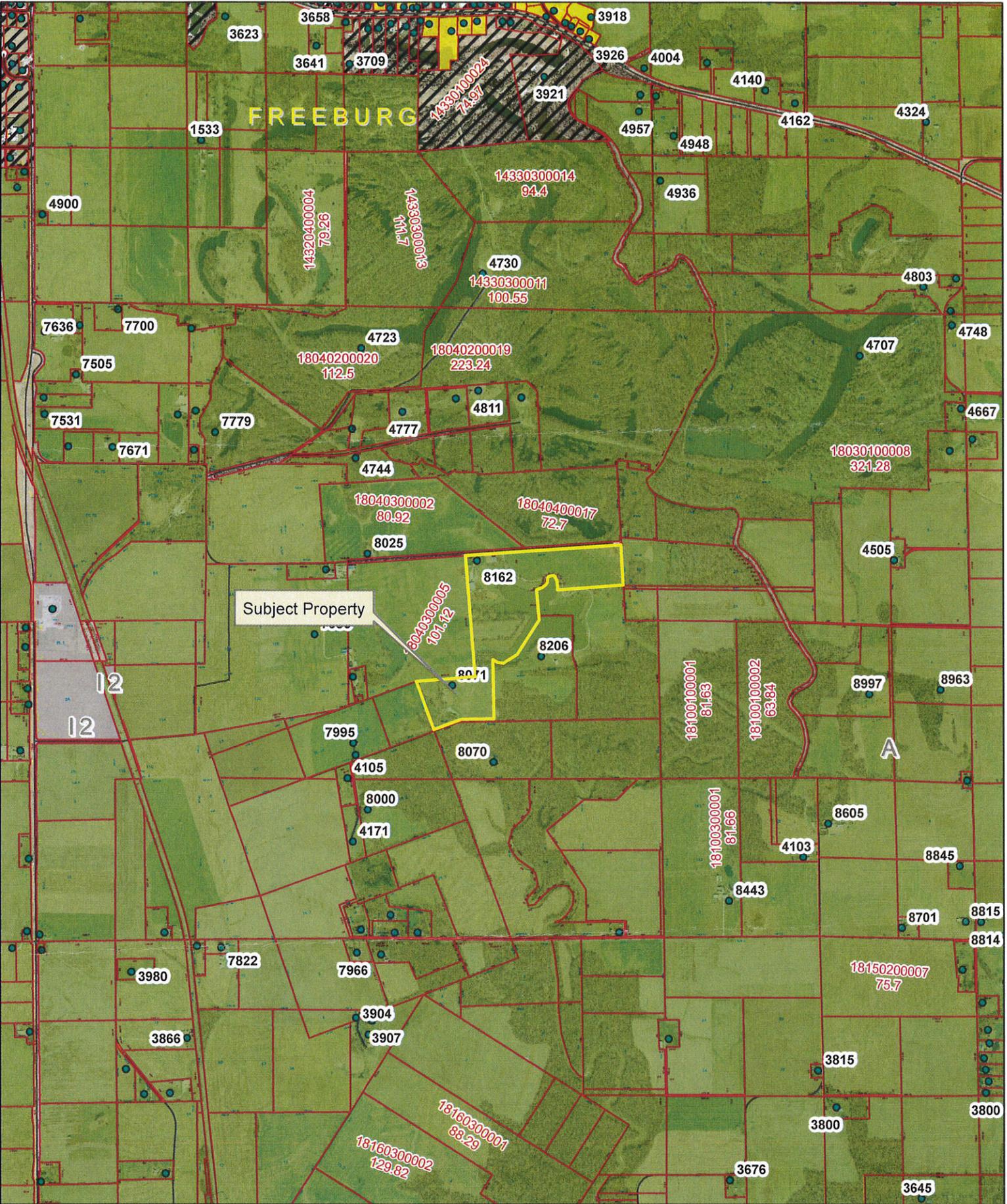
Said request was made by WHD Properties LLC, 8162 Red Ray Mine Road, Freeburg, Illinois, owners and Carolyn Davis, 8071 Lementon Road, Freeburg, Illinois, applicant.

All persons desiring to appear for or against said petition may appear at said hearing and be heard thereon.

Dated this 14th day of January, 2018.

ZONING BOARD OF APPEALS
ST. CLAIR COUNTY, ILLINOIS

BY: Anne Markezich, Secretary



Subject Property



County of St Clair
 Building and Zoning Department
 Anne Markezich, Director

Subject Case #2017-26-ABV - WHD Properties LLC/Davis
 Parcel #18-04.0-400-018 - 8162 Red Ray Mine Road, Freeburg

Untitled Map

Write a description for your map.

SITE PLAN

Legend

○ Untitled Path



600 ft