

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

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

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, P.C.

March 25, 2019

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEE Annexation; Building; Zoning; Subdivision (Heap/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, March 27, 2019, at 5:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of February 27, 2019 Minutes
2. Zoning Report/Nuisance Properties
3. Meadow Pines Subdivision
4. Code Revisions/Legal Review

B. New Business

1. Ordinance #1679 – An Ordinance Amending Chapter of the Revised Code Regarding Fireworks
2. Jurisdictional Transfer Ordinance for Cemetery Road

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)
(Heap/Albers/Matchett/Meehling)
Wednesday, February 27, 2019 at 5:30 p.m.

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Fred Keck, P.C.

The meeting of the Legal and Ordinance Committee was called to order at 5:30 p.m. by Chairman Mike Heap on Wednesday, February 27, 2019, in the Freeburg Municipal Center. Members attending were Chairman Mike Heap, Trustee Denise Albers, Trustee Ray Matchett, Trustee Lisa Meehling, Mayor Seth Speiser (via phone), Village Clerk Jerry Menard, Trustee Mike Blaies, Trustee Bob Kaiser, Village Attorney Fred Keck, Zoning Administrator Matt Trout, Police Chief Mike Schutzenhofer (absent), Public Works Director John Tolan (via phone), Village Administrator Tony Funderburg and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of January 30, 2019 Minutes: Trustee Denise Albers motioned to approve the January 30, 2019 minutes and Trustee Lisa Meehling seconded the motion. All voting yea, the motion carried.
2. Zoning Report/Nuisance Properties: Zoning Administrator Matt Trout reported 6 building permits issued – 1 wrecking, 2 sign, 2 shed, 1 electric and 6 occupancy permits. Matt provided a copy of all of the letters sent our regarding nuisance properties. He included a copy of the nuisance code along with letter. There has been a decent amount of work accomplished with them.
3. Meadow Pines Subdivision: Matt stated the first house was staked yesterday, and the building permit should be obtained shortly. Matt said it is one of the larger lots by Bozeman Lane, and Shane has set transformers all the way down that side. There is an issue with trash or plastic underneath the concrete. The developer will address it.
4. Code Revisions/Legal Review: Matt advised the chart and definitions have been emailed out. He asked for everyone to review the information.

Matt said the person that wants a temporary stand to sell fireworks has an agreement to do so in the lot next to Dollar General. Matt advised her what could be sold. Attorney Keck has drafted a revision to our fireworks code where novelties up to a certain point can be sold. He stated regardless of whether we allow her to do this, we need to update our code regarding fireworks. Village Administrator Tony Funderburg would like to see a time limit for temporary stands in there. Trustee Matchett suggested a \$200 fee. A business registration would also be required. Fred will get the changes to Tony and Matt for the review prior to the next meeting.

B. NEW BUSINESS:

1. Ordinance #1677 – An Ordinance Approving and Causing the Publication of the Official Zoning Map of the Village of Freeburg: Matt stated changes to the zoning map need to be published yearly unless there are no changes.

Trustee Lisa Meehling motioned to recommend to the full Board Ordinance #1677, An Ordinance Approving and Causing the Publication of the Official Zoning Map of the Village of Freeburg for approval and Trustee Denise Albers seconded the motion. All voting yea, the motion carried.

Legal and Ordinance Committee Meeting
Wednesday, February 27, 2019

2. Memorandum of Understanding Regarding the Lower Silver Creek Watershed Plan: Matt said that he attended the most recent meeting conducted by Scott Air Force Base. The communities involved are St. Clair and Madison County, Heartlands Conservancy, Belleville, O'Fallon, Mascoutah, Fairview Heights, Lebanon, Shiloh and us. This group was formed to try and use grants to fix the stormwater and Silver Creek problems. Tony said we can't tax for stormwater because we are a non-home rule municipality.

Trustee Lisa Meehling motioned to recommend to the full Board Resolution 19-05, A Resolution Authorizing the Village to Enter into and the Mayor to Execute a Memorandum of Understanding with the Department of the Air Force Regarding the Lower Silver Creek Watershed Plan for approval and Trustee Denise Albers seconded the motion. All voting yea, the motion carried.

- C. **GENERAL CONCERNS:** Matt reminded everyone that the Chamber is selling street banners.
- D. **PUBLIC PARTICIPATION:** None.
- E. **ADJOURN:** *Trustee Lisa Meehling motioned to adjourn at 6:00 p.m. and Trustee Denise Albers seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

ORDINANCE NO. 1679

AN ORDINANCE AMENDING CHAPTER 27 OF THE REVISED
CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR
COUNTY, ILLINOIS (Offenses – Division III. Fireworks)

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF
TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, THAT:

CHAPTER 27 - Offenses
Division III. Fireworks

Delete the current Division III. Fireworks and replace with the following:

Section 27-9-12. DEFINITIONS.

(A) *Definitions.* The Village hereby adopts the definitions of the terms contained in the Pyrotechnic Use Act (425 ILCS 35/1 et seq.) and as promulgated in the corresponding rules of the Illinois Office of the State Fire Marshal (41 Ill. Admin. Code 235), including but not limited to the terms “consumer fireworks”, “consumer fireworks display”, “consumer operator”, “consumer retailer”, “display fireworks”, “flame effect”, “person” and “pyrotechnic display”. The term “novelty fireworks” is defined to include the following items that are not deemed “consumer fireworks” under the Pyrotechnic Use Act (425 ILCS 35/1 et seq.): snake or glow worm pellets; smoke devices; trick noisemakers known as “party poppers”, “booby traps”, “snappers”, “trick matches”, “cigarette loads” and “auto burglar alarms”; sparklers; toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture.

(B) *Prohibition.* Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any display fireworks, flame effects or consumer fireworks in the corporate Village limits.

(C) *Requirements.* All pyrotechnic displays in the corporate Village limits shall be allowed only by permit upon full compliance with the provisions of the Pyrotechnic Use Act (425 ILCS 35/1 et seq.) and as promulgated in the corresponding rules of the Illinois Office of the State Fire Marshal (41 Ill. Admin. Code 235), expressly adopted herein by the Village, and shall be in addition to any other operational or business permits and/or licenses required. The sale and use of novelty fireworks are not subject to the requirements of this section.

(1) *Pyrotechnic displays.* Any person, firm, co-partnership or corporation shall file with the Village, an application for a permit authorizing a pyrotechnic display, not less than 15 days prior to the event, and shall remit a fee in full according to the below section. Each pyrotechnic display shall be conducted by a licensed lead pyrotechnic operator for a public pyrotechnic display permit.

ORDINANCE NO. 1679 cont.

(3) *Application.* An application and the requirements contained herein must be completed, submitted and met for a pyrotechnic display permit prior to any permit being issued. The Village Clerk shall immediately forward a copy of the application to the Fire Chief of the jurisdiction in which the display will occur for further approval.

(4) *Fire Chief.* A permit shall be issued only after the Fire Chief of the jurisdiction in which the display will occur, or his or her designee, has inspected the site and determined that the display can be performed in full compliance with the rules adopted by the State Fire Marshal, and that the display shall not be hazardous to property or endanger any person or persons. A permit shall be signed by the Fire Chief, or his or her designee, and must identify the lead pyrotechnic operator.

(5) *Completion.* Upon completion of all required documentation, and approval by the Village and Fire Chief, the Village may issue a permit for the pyrotechnic display, which shall specifically state the individual/corporation authorized to conduct the permitted activity. Any such issued permit is not transferable.

(6) *Indemnification.* Any person, firm, co-partnership or corporation issued a permit under this section agrees to indemnify the Village for any and all liability of any type arising from the operation of a pyrotechnic display, including but not limited to injury to persons or animals and any and all damage to any property real or personal, private or public. Further, the applicant seeking the pyrotechnic display permit must provide proof of liability insurance in a sum not less than \$1,000,000.00 to the Village Clerk.

- (A) It shall be unlawful for a person to operate a fireworks' stand or any other seasonal sales of fireworks without obtaining both a business license and a fireworks license from the Village.
- (B) A fireworks license shall not be issued unless the applicant provides the Village proof that the applicant has a state license to sell fireworks. Retailers who operate year-round may sell fireworks inside their premises without obtaining a Village license.
- (C) The license fee for a fireworks' license shall be \$200.
- (D) Each location where fireworks are sold is required to obtain a fireworks license.
- (E) Fireworks' stands shall only be allowed to operate from June 1st up to and through July 5th in the calendar year.

The remaining sections of Chapter 27, Division III shall remain unchanged.

The ordinance becomes effective after its passage and publication as prescribed by law.

ORDINANCE NO. 1679 cont.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS ____ DAY OF April, 2019.

AYES _____ NAYS _____

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ABSENT _____ ABSTAIN _____

Approved this ____ day of April, 2019.

Seth E. Speiser
Village President

ATTEST:

Approval as to Legal Form:

Jerry Lynn Menard
Village Clerk

Village Attorney



ST. CLAIR COUNTY
Department of Roads & Bridges
1415 North Belt West
Belleville, IL 62226-5999

(618) 233-1392
FAX No. (618) 233-0996

Mark Kern, County Board Chairman
Norman Etling, P.E., County Engineer
Randy Georgen, P.E., Asst. County Engineer

RECEIVED
MAR 20 2019

Proposed Jurisdictional Transfer
Cemetery Road
St. Clair County, IL

March 13, 2019

Mr. Seth Speiser
Mayor Village of Freeburg
14 Southgate Center
Freeburg, IL 62243

Dear Mayor Speiser,

Representatives of this office met with Tony Funderburg and John Tolan on March 13, 2019, to discuss the placement of a proposed water main under Old Freeburg Road. During the meeting the current situation involving Cemetery Road arose.

As you are probably aware the jurisdiction of the above roadway has been an ongoing issue for many years. In 1977 St. Clair County passed a resolution establishing Cemetery Road from Illinois Route 13 to Jacks Run Road as a County Highway. Since that time many transfers have occurred resulting in the present day situation whereas the Village of Freeburg has jurisdiction of the roadway from Route 13 to a point approximately 385 feet South of Henderson Point Trail. St. Clair County maintains the road from this point to the corporate limits of the Village and Freeburg Road District has maintenance jurisdiction from that point to Barber Lane.

Unfortunately, that small segment of County maintained roadway does not meet the definition of a County Highway as given in 605 ILCS 5/5-103. To correct that situation 605 ILCS 5/5-105, upon approval by the Illinois Department of Transportation, allows the County to transfer that portion of the roadway to the Village.

I realize that there has been past discussions regarding the maintenance of Str. 082- 3070 which would be included in this transfer. You should know that 605 ILCS 5/5-501 allows the Village to petition the County for aid in an amount up to 50% of the cost of any future repairs or reconstruction of the structure as long as the conditions stipulated in that section are met by the Village.

Our discussions with Mr. Funderburg indicated that the Village would be in favor of the transfer. Mr. Funderburg did mention that the biannual inspections may present a problem. To that extent I would suggest notifying the County Engineer to discuss possible alternatives.

In anticipation of moving this transfer forward, I have included a draft copy of BLR 05212 that will be sent to IDOT for review. IDOT requires the Village to pass an Ordinance authorizing acceptance of the transferred portion of the roadway and include a certified copy of this ordinance

as an addendum to BLR 05212.

Would you please prepare said ordinance and provide an unexecuted draft copy of it to me so that it can be included in the submittal to IDOT.

Once IDOT's review is complete, the County Resolution and Village Ordinance can be updated to incorporate any recommended revisions and then moved forward for passage and execution.

If you have any questions please feel free to call. Otherwise thank you for your time and effort in correcting this situation.

Very truly yours,
Norman Etling, P.E.
County Engineer

By 

Randy G. Georgen, P.E.
Asst. County Engineer

Cc: Tony Funderburg, Freeburg Village Administrator
Jon Schaller, IDOT D8 LR
Dale Recker, Freeburg Twp. Road Commissioner

CEMETARY RD JT, FREEBURG



CONVEYOR

Local Public Agency No. 1 County

RECIPIENT

Local Public Agency No. 2 County

In accordance with authority granted in Section 4-409 of the Illinois Highway Code, this agreement is made and entered into between the above Local Public Agency No. 1 hereinafter referred to as "Conveyor" and the above Local Public Agency No. 2, hereinafter referred to as "Recipient", to transfer the jurisdiction of the designated location from the Conveyor to the Recipient.

Location Description

Road Name	Route(s)	Length
<input type="text" value="Cemetery Road"/>	<input type="text" value="CH 47"/>	<input type="text" value="0.25"/>

Key Route(s) Information

Termini

This transfer does not does include NBIS Structure No(s).

Include for Municipalities Only

WHEREAS, the authority to make changes to the Municipal Street System is granted to the Municipality of Section 7-101 of the Illinois Highway Code. NOW THEREFORE IT IS AGREED that the corporate authority of said municipality will pass an ordinance providing for the transfer of the above location and shall attach hereto and make a part thereof a copy of a location map as Addendum No. 1 and an original of the ordinance as Addendum No. 2 and

Include for Counties Only

WHEREAS, the authority to make changes to the County Highway System is granted to the County by Section 5-105 of the Illinois Highway Code. NOW THEREFORE IT IS AGREED that the County Board of said County will pass a resolution providing for the transfer of the above location and shall attach hereto and make a part thereof a copy a location map as Addendum No. 1 and an original of the resolution as Addendum No. 2, and

Include for Township/Road Districts Only

WHEREAS, the authority to make changes to the Township/Road District System is granted to the Highway Commissioner under Section 6-201.3 of the Illinois Highway Code. The Conveyor Agrees to prepare a map of the above location and attach a copy of such location map hereto. IT IS MUTUALLY AGREED, that this jurisdictional transfer will become effective (check one):

Upon IDOT approval calendar days after other

Attachments

Additional information and/or stipulations, if any, are hereby attached and identified below as being a part of this agreement.

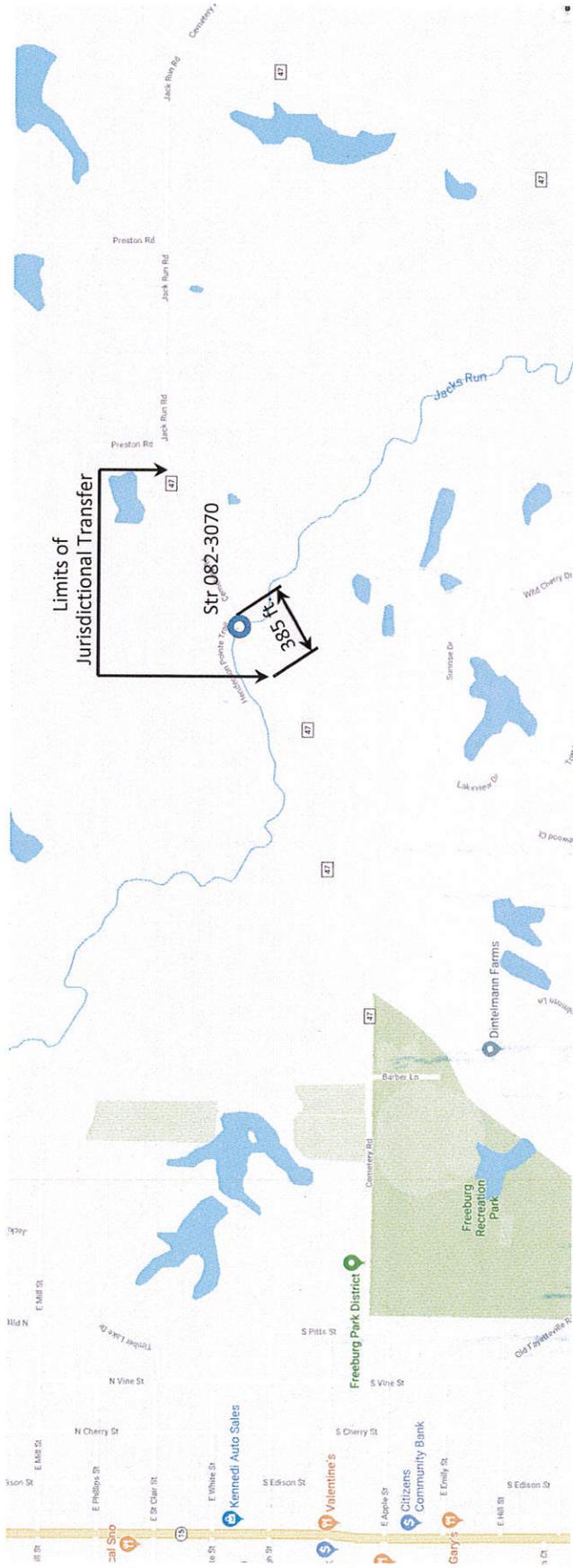
<input checked="" type="checkbox"/> Location Map (Addendum No.1)	<input checked="" type="checkbox"/> County Resolution
<input checked="" type="checkbox"/> Ordinance/Resolution (Addendum No. 2)	<input type="checkbox"/>

IT IS FURTHER AGREED, that the provisions of this agreement shall be binding upon and insure to the benefit of the parties hereto, their successor and assigns.

Signatures

APPROVED BY CONVEYOR		APPROVED BY RECIPIENT		APPROVED STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION	
Name of Local Public Agency Official		Name of Local Public Agency Official		Director	
Norman Etling, P.E.		Seth Speiser			
Title		Title			
County Engineer		Mayor Village of Freeburg Il			
Local Public Agency Official	Date	Local Public Agency Official	Date	Office of Program Development	Date





LOCATION MAP

JURISDICTIONAL TRANSFER
CEMETERY ROAD

RESOLUTION

Providing for the removal of a portion of Cemetery Road, County Highway 47, from a point 385 feet South of Henderson Pointe Trail northerly to the corporate limits of the Village of Freeburg, Il., including Str. No. 082-3070, in its entirety, from the County Highway System in St. Clair County, Illinois.

WHEREAS, the County Board of St. Clair County and the Village of Freeburg entered into an agreement for transfer of the jurisdiction of the above roadway to the Village of Freeburg, of which an unexecuted copy is hereby attached.

NOW, THEREFORE, BE IT RESOLVED, that the above roadway, with Department of Transportation approval, be deleted from the highway system of St. Clair County.

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to transmit three (3) certified copies of this Resolution to the Illinois Department of Transportation, through its Region Five Engineers Office at Collinsville, IL.

Respectfully submitted,

Transportation Committee

APPROVED AND ADOPTED at a meeting of the County Board of St. Clair County, Illinois, this 29th day of April, 2019.

ATTEST:

County Clerk

County Board Chairman