

**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

May 5, 2009

## NOTICE

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

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Thursday, May 7, 2009, at 3:30 p.m.**

### **LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA**

#### I. Items To Be Discussed

##### A. Old Business

1. Approval of April 1, 2009 Minutes
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code
3. Status of Public Hazard Homes
4. TIF Litigation
5. Drainage easement grades
6. Bill's Autobody
7. Dusk to Dawn Lighting
8. Updating our code
9. Building code revision
10. Unpaid utility bills
11. Huelsman drainage problem

##### B. New Business

1. Resident lawn business parking complaint

##### 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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Rita Baker  
Seth Speiser  
Charlie Mattern

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Thursday, May 7, 2009 at 3:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 3:40 p.m. by Chairman Seth Speiser on Thursday, May 7, 2009, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Charlie Mattern, Trustee Rita Baker, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guests present: Bill Herr and Janet Baechle.

## **A. OLD BUSINESS:**

1. Approval of April 1, 2009 Minutes: Trustee Rita Baker motioned to approve the April 1, 2009 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: Dennis provided an update from the last CIB meeting. The committee has reviewed the nuisance code and Julie will incorporate their recommendations into the code and bring it back to them for one more review before they recommend it to this committee. Dennis said they were working on the building code issue. Dennis said the committee has mostly likely come to a consensus and they think it makes sense to be more thorough on how we enforce the building code on commercial properties but not make major changes on how we do residential properties. They really haven't come to an agreement on rental properties. Dennis said Dave Favre had suggested we inspect rentals on a complaint basis where the tenant could file complaints if they felt the landlord wasn't taking care of their issues. Seth said once a year smoke detectors and carbon monoxide detectors should be inspected and Dennis said the committee hasn't talked about that issue. This committee felt rental properties should be considered commercial properties and permits should be required on remodels. With regard to residential properties, Dennis said John Davinroy feels if you open up a wall and do work that will be concealed, you need a permit and inspection. Dennis is concerned about how we will enforce it. If we do require smoke detectors and carbon monoxide detectors be inspected once a year on rental properties, we could see if the Fire Department would be able to do that. We will ask the CIB's opinion on this topic.

3. Status of Public Hazard Homes: Dennis said the Rogers closing has been scheduled for 5/18/09. The house will be demolished before the closing and Rosemarie Heidenreich-Parker will represent Susan Rogers in the closing. Rita asked about the Wilderman house and Dennis said she needs to contact Mary

Legal and Ordinance Committee Meeting  
Thursday, May 7, 2009  
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Kinzinger because the roof has failed. Janet asked about the weeds at Walnut and High Street. Julie will get that information to Phil.

4. TIF litigation: Attorney Wigginton is waiting for a response from Koppeis' attorney on our last counterproposal.

5. Drainage easement grades: Seth said something needs to be done and Charlie asked Seth how he thinks it should be enforced and paid for. Seth said if there is a drainage ditch there, the grade should remain the same. If the developer or contractor comes in and changes it, they need to be responsible. The committee discussed whether we want to get into shooting grades when there is a drainage problem on private property. Dennis said there is a final inspection on the development and we are talking about how to handle it from that point forward. The committee decided it is a civil issue between the homeowners and the Village should not get involved in the maintaining of drainage easements on private property.

6. Bill's Autobody: Bill was present and said he has hauled off about 10 cars and also said it is pretty costly to do that. Dennis said he sees signs of improvement but doesn't think it is what the committee is looking for. Charlie asked what his plan is and Bill said he has to know what is causing people a problem. Charlie said we have to respond to complaints we receive. The committee agreed to give Bill another 30 days. Dennis, Seth, Phil and Rita will go there next week and offer some suggestions and guidelines for Bill to follow.

7. Dusk to Dawn Lighting: Dennis said this should really be discussed in the Electric Committee and their recommendations can be brought back here. Item will be moved to Electric and taken off this agenda.

8. Updating our code: Julie advised the updates have been received and asked the trustees to bring their books in and she will get them updated. Item can be taken off the agenda.

9. Building code application: This will be moved and included under number 2 above.

10. Unpaid utility bills: Jane compiled information from surrounding towns on their policy for unpaid renter bills. Charlie talked about raising renter deposits to offset the unpaid final bills left over from the renters. Dennis thinks statute makes the owner of the property responsible for unpaid utility bills and the question is do we want to enforce it. Dennis said based on the calculations he and Jane did, we would be writing off about \$5,000 - \$6,000 a year. Seth said the landlord should raise their own deposits. The committee agreed to leave our policy the way it is.

11. Huelsman drainage problem: Dennis advised the attorneys are working on it.

**B. NEW BUSINESS:**

1. Resident lawn business parking complaint: Mr. Augustine was advised of the meeting time and date change. Dennis has tried to find a previous ordinance that Frank sent him on outlawing parking trailers on streets. Dennis said Mel is in favor of this and also said we don't have anything in our ordinance to address this issue. Dennis will continue to work on this and bring something back to the next meeting that states you can't park a utility trailer on a public street.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** Janet Baechle said she was trying to turn north onto Belleville Street from Apple Street and stated the cars are parked too close to the intersection. Dennis will have Mel look at it and put it on the next Streets' agenda. Janet also said she thought 3:30 p.m. was too early for a public meeting.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 4:35 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



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Office Manager

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Groth/Baker/Mattern)  
Wednesday, April 1, 2009 at 6:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 6:47 p.m. by Chairman Kevin Groth on Wednesday, April 1, 2009, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Village Administrator Dennis Herzing, Public Works Director Ron Dintelmann and Office Manager Julie Polson. Guests present: Village Attorney Steve Wigginton, Bob Huelsman, Georgia Huelsman and Attorney Penny Livingston.

*Trustee Rita Baker motioned to amend the agenda to move Public Participation to the beginning of the meeting and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*

## **D. PUBLIC PARTICIPATION:**

Attorney Livingston provided an overview of the Huelsmans' situation. They hired Hoelscher Engineering to go out and look at the situation. They indicated to them the cost of a full hydraulic study would be \$8,000 and also indicated a new culvert could be put in and would very likely solve the problem the Huelsmans are having. Hoelscher said it would cost about \$15,000 to replace and enlarge the culvert. She advised her clients not to spend the \$8,000 for the hydraulic study. She referenced our drainage ordinance stating the land developer has to control the drainage. She said it also addressed the facilities that handle the stormwater damage will prevent an increase in the rate of stormwater runoff onto adjoining property owners, no subdivision being approved unless there is an adequate drainage watercourse, complete hydraulic calculations. She said the developer did a first addition which only included the two lots but did not comply with any of the stormwater ordinances or drainage calculations, he didn't give the city anything that would show how the stormwater would work with the two lots. She said the preliminary plats showed lakes behind the lots but they were never developed. She said they might have been putting the lakes in to help divert the stormwater drainage.

She said they didn't come here today to tell the city they were suing them for \$40,000 worth of damage. She stated they are here because the Huelsmans have a flooding problem and the city should not be allowing development to flood homes. She said someone should have looked at the area to say should we even be approving a request to put in a home with a walkout basement. She said they are also concerned if future development comes in and forces more water into their area. She said they want the culvert replaced with a larger one more able to

Legal and Ordinance Committee Meeting  
Wednesday, April 1, 2009  
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handle the flow. Attorney Wigginton asked some general questions about the flow of the water and where the lake was supposed to be put in. Steve asked who the developer was on the first addition and Ms. Livingston advised it is in a land trust. An annexation agreement is in effect until June, 2009. Steve asked if she was able to find a drainage plan submitted with the plat and she said she can't find any. Steve asked if the code she referenced (154.23 and 154.28) was in effect at that time and she did not know. The Hueslmans' home was built in 1996 and their first episode was in 2000. She confirmed that and said the Huelsmans came to the Village in 2000. Steve said they were told it was the developer's fault. Dennis explained some calculations he did with respect to the flow at the existing culvert. The culvert is submerged on the upstream end and not flowing full on the downstream end which is classic for inlet control of the culvert. He said the Village has not been sure that installing a bigger pipe would solve the problem. He estimated on the head end of the culvert the water had to be at least 6 feet. Using 85 cfs (cubic feet per second) as the headwater benchmark and looked at the nomographs which show the different sized culverts. Taking a 60" culvert, the headwater depth drops from 6' to 4'; if you go a 72", it drops to 45"; if you go to 84", it drops to 42". He said he isn't sure you could go any larger than an 84" culvert because the road isn't that high. Dennis further explained when they had taken some shots out there, they established the top of that existing culvert at 100 to be used as a benchmark for relative depth and found out that the threshold at the entrance to their basement floor is about 4" above that. That being the case, anytime the pipe surcharges significantly, it will be right up to their home. Looking at the elevations he came up with in his rough analysis, the 48" culvert, the elevation would be 100'5" which is still 1" into their basement; 72" culvert would be 100'2" or 2 inches below their basement; 84" culvert is 99'11" or 5 inches below their basement. Georgia said they weren't thinking of a bigger culvert but of putting in another culvert beside it. Attorney Livingston said Hoelscher was thinking of a box culvert. Dennis said if you put in a 4' x 6' box culvert, the headwater elevation came to 99'3" or about 1' below the basement floor. Dennis' concern is that it won't completely alleviate the problem. Attorney Livingston asked for an appropriate solution and Attorney Wigginton said there are a lot of questions that need to be answered. Dennis said there was an agreement to straighten out the creek and thought it was on the deed. He will have to go back and find that information. Attorney Wigginton said he will get together with Dennis and review and documents, find out what ordinances were in effect in 1989, look at the final plat, etc.

Steve confirmed that time is running out on this. He said the key is what was in place in 1989. Kevin said he is concerned with putting in a larger culvert and putting more water on the neighbor's property. Steve said the road and the culvert were in existence before the Huelsmans built their home. The home was placed in a swale below grade and Steve further said the roadway is acting as a dam. Steve said from a municipal standpoint, the municipality does not have any liability for the issuance, denial or approval of a permit for a plat. He also said there is a one-year statute of limitations for municipalities and one year from the date you knew or should have known and they came here in 2000. Dennis said he did not intend his analysis to be a solution but only intended to make it clear that

installing a larger pipe is most likely not the answer. Kevin would like to find a solution if we can afford it. Steve said it may come down to finding the engineering solution and tell them the cost will have to be split between them and the developer. Dennis said there is not a simple solution. We had previously suggested to the Huelsmans they put a berm, retaining wall and sump pump in at the back of their house and they didn't want to do that.

**A. OLD BUSINESS:**

1. Approval of March 4, 2009 Minutes: *Trustee Charlie Mattern motioned to approve the March 4, 2009 minutes and Trustee Rita Baker seconded the motion.* All voting aye, motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Kevin reported the minutes from the last meeting were put in the trustee's boxes. Dennis reported they have pretty much finished with the nuisance code and are discussing the occupancy permit issue.

3. Status of Public Hazard Homes: Kevin said we don't have anything other than the Sheets' appeal. We discussed the house on W. White Street. Ron reported it is in worse shape than the Koesterer home. Steve's advice is to move forward with the demolition and further said both Dennis and Ron should look at the house and prepare an inspection report on it. They can do so based on their experience, training or education. Ron looked at the Wilderman house and it is bad on the edges.

4. TIF litigation: Steve said the developer received our last counterproposal, his attorney has been in trial so we are just waiting to get a response.

5. Drainage easement grades: Skipped.

6. Bill's Autobody: The thirty days for Bill to start cleaning up his junkyard is up on Friday and he has not done anything. If we send out one more letter, the next step after that would be a non-traffic ordinance violation. a court order would be issued stating he has to clear up the junkyard. The court would hold him in contempt if he doesn't comply with the order. The committee directed Dennis to send him another letter.

7. Dusk to Dawn Lighting: Kevin will discuss this topic at the next committee meeting.

8. Updating our code: The code books will be updated once the supplement is received.

9. Building code application: Kevin said we are waiting for recommendations from the Community Improvement Board.

10. Unpaid utility bills: Jane has the information. We will get it into next month's packet.

**B. NEW BUSINESS:**

1. Bob and Georgia Huelsman: See Public Participation above.

Kevin said the garage roof on Main Street is still lying on the ground. Kevin thought Phil was told it was going to be cleaned up. Dennis will talk to Phil and have him talk to the owner.

Kevin said there is graffiti on Main Street and Dennis advised it was painted over either yesterday or today.

**C. GENERAL CONCERNS:** Ray received a request from Mike Smithson from 1st Choice Fencing, for a recommendation. Ron said they did a good job on the new power plant fence, they just had a problem with the gate.

*Trustee Rita Baker motioned to recommend to the full Board the Village of Freeburg provide a recommendation for Mike Smithson of 1st Choice Fencing and Trustee Kevin Groth seconded the motion. All voting aye, the motion carried.*

**D. PUBLIC PARTICIPATION:** See above.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 6:20 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson  
Office Manager

Smithton – renters - \$150.00 for water and sewer. No owner deposits required.  
Businesses - \$250.00 for w/s. Unpaid amounts by a renter go back to the owner.

Mascoutah –No owner deposits required. Renters: \$150.00 for electric, \$20.00 for water and \$25.00 for sewer. Charge occupancy permit fee of \$5.00. Owners not responsible.

Waterloo – No owner deposits. First time renter: \$125.00 for gas, \$125.00 for electric, \$50.00 for water and \$50.00 for sewer (\$350.00 total). Deposits are refunded after customer has paid bill for a year without any penalties. If a final bill is not paid, they send collection letters. Owner not responsible.

Millstadt – No owner deposits. Renter: \$150.00 for water and sewer. If a final bill is left unpaid after three attempts to collect, they write it off.