

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Ray Matchett, Jr.
Mike Blaies
Denise Albers
Dean Pruett
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.

August 27, 2018

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, August 29, 2018, at 5:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of July 25, 2018 Minutes
2. Zoning Report/Nuisance Properties
3. Meadow Pines Subdivision
4. Sinn Property
5. Code Revisions/Legal Review
6. Bill's Auto Body

B. New Business

1. Ordinance #1665 - Wayne and Dawn Jung Annexation

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, July 25, 2018 at 5:30 p.m.

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The meeting of the Legal and Ordinance Committee was called to order at 5:30 p.m. by Chairman Mike Heap on Wednesday, July 25, 2018, in the Freeburg Municipal Center. Members attending were Chairman Mike Heap, Trustee Denise Albers, Trustee Ray Matchett, Trustee Lisa Meehling, Mayor Seth Speiser, Village Clerk Jerry Menard (5:48 p.m.), Trustee Mike Blaies, Trustee Dean Pruett, Zoning Administrator Matt Trout, Police Chief Mike Schutzenhofer, Public Works Director John Tolan, Village Attorney Fred Keck, Administrator Tony Funderburg and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of June 27, 2018 Minutes: Trustee Denise Albers motioned to approve the June 27, 2018 minutes and Trustee Lisa Meehling seconded the motion. All voting yea, the motion carried.
2. Zoning Report/Nuisance Properties: Zoning Administrator Matt Trout would like to discontinue the hard copy zoning report in this committee meeting. He will still provide a report in the board packet. The committee was fine with his request. He advised the property on Mill Street was taken care of pretty quickly.
3. Dryer at Jack's Auto Wash: Mayor Speiser spoke to Gene Crowe about this. Gene stated it was on the building permit when it was issued. Matt pulled the old permit and did not see it in there. Item will be taken off the agenda until a formal complaint is made.
4. Meadow Pines Engineering Plans: Matt advised we are close on the engineering plans. This will be discussed at our next Planning/Zoning meeting on July 31st. Public Works Director John Tolan stated we received TWM's review today, and they have a concern that all areas were used in calculating the drainage. Matt said they were concerned about the method used to calculate the drainage. Matt is working with the MCI legal department to see if they will grant permission for us to work in their easement so we can place our electric there.
5. Sinn Property: Matt advised the Sinn's have found a rental property to live in temporarily. He is not going to move forward with rezoning his property to SR-1 at this time. John again confirmed we are not going to make that a road as he previously requested.

Trustee Pruett questioned the status of the pools in town that do not have fences. Attorney Keck is looking into this.

B. NEW BUSINESS:

1. Code Revisions/Legal Review: Village Administrator Tony Funderburg stated he has been looking at quotes to rewrite the zoning code. He received one for \$8,000. Tony commented instead of rewriting the code, he would prefer to have a legal review done since he has already rewritten a good portion of the zoning code. Municode will provide a legal review of our code for \$6,100, \$950 for the zoning code, and \$150 per hour for attorney discussions. Attorney Keck advised he has had a good experience with Municode and believes this is needed. Tony confirmed they will review the code to make sure our code meets the current laws and statutes. Tony will work to finish up the revisions to the zoning code.

Legal and Ordinance Committee Meeting
Wednesday, July 25, 2018

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VILLAGE BOARD OF TRUSTEES MEETINGS ARE HELD ON THE FIRST AND THIRD MONDAY OF EVERY MONTH

2. Video Gaming Parlor – 5 W. Apple: Matt said with the board approving the code revision, the video gaming parlor at 5 W. has applied for a liquor license. We think they are right there as far as the number of parking spots needed. Tony believes there are plenty of parking spaces for both the video gaming parlor and Pizza Hut. Matt will be receiving an updated parking diagram, and he will email that out to the board.
 3. Bill's Auto Body: Matt advised he goes in once a week to talk to Mr. Herr. He has started cleaning up a little. He brought up the water issue and complained that we don't give him any business. Matt said we need that taken care of before we start writing tickets. JT called in locate today. Tf said keep in mind this is IDOT's issue. Attorney Keck believes we made right decision on the power issue. He doesn't think that Mr. Herr has shown any good faith in remedying the situation. Mr. Herr has an extension cord running from his home through the alley to his business. Attorney Keck agreed it is a public safety hazard, and a letter to him addressing the issue needs to be done.
- C. GENERAL CONCERNS:** None.
- 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. 1665

**AN ORDINANCE ANNEXING
CERTAIN TERRITORY TO THE VILLAGE
OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS
(JUNG PROPERTY)**

WHEREAS, a written petition, signed by the legal owners of record of all land within the territory hereinafter described, has been filed with the Village Clerk of the Village of Freeburg, St. Clair County, Illinois, requesting that said territory be annexed to the Village of Freeburg, and,

WHEREAS, petitioners are the sole electors residing within the said territory; and,

WHEREAS, the said territory is not within the corporate limits of any municipality but is contiguous to the Village of Freeburg; and

WHEREAS, legal notices regarding the intention of the Village to annex said territory have been sent to all public bodies required to receive such notice by state statute; and,

WHEREAS copies of such notices required to be recorded, if any, have been recorded in the Office of the Recorder 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 Section 7-1-8 of the Illinois Municipal Code; and,

WHEREAS, it is in the best interest of the Village of Freeburg that the territory be annexed thereto.

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: THAT the following described territory,

Legal Description:

Parcel 1: Part of the Northwest 1/4 of the Northeast 1/4 of Section 28, Township 1 South Range 7 West of the 3rd Principal Meridian, St. Clair County, Illinois, and being more particularly described as follows, to wit:

Commencing the survey thereof at an old axle which marks the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 28; running thence in an Easterly direction along the South line of said 1/4 Section, a distance of 256.78 feet to a point in the Westerly right-of-way line of the Peabody Haulage Road; running thence in a Northerly direction along said right-of-way line and making a clockwise angle with the last described course of 91 degrees 35 minutes a distance of 269.55 feet to a point, said point being the point of curve of a curve to the right having a radius of 791.0 feet; running thence in a Northerly direction along the chord of said curve a distance of

ORDINANCE #1665 cont.

210.09 feet to a point; running thence in a Westerly direction along a line making a clockwise angle with the last described course of 80 degrees 48 minutes a distance of 311.40 feet to a point in the West line of the aforementioned 1/4 Section; running thence in a Southerly direction along the West line of said 1/4 Section and making a clockwise angle with the last described course of 88 degrees 23 minutes, a distance of 477.0 feet to the point of beginning.

Except coal, gas and other mineral rights excepted or reserved in prior conveyances. Situated in the County of St. Clair, State of Illinois.

Parcel 2: Part of the West half of the Northeast Quarter of Section 28, Township 1 South, Range 7 West, 3rd Principal Meridian, St. Clair County, Illinois, being more particularly described as follows, to-wit:

Commencing at a point, said point being the Southwest corner of a tract of land owned by Wayne B. Jung and Dawn E. Jung, his wife, by Warranty Deed recorded in Book 2436, Page 1392, as Document No. A578774 of the County of St. Clair, State of Illinois, thence continuing S 0 degrees 46 minutes 50 seconds E a distance of 30.0 feet; thence S 89 degrees 14 minutes 30 seconds E a distance of 255.1 feet, thence S 89 degrees 49 minutes 50 seconds E a distance of 36.8 feet, thence N 0 degrees 00 minutes 00 seconds E a distance of 30.0 feet, thence N 6 degrees 51 minutes 50 seconds E a distance of 156.1 feet, thence N 2 degrees 15 minutes 00 seconds E a distance of 135.1 feet, thence N 5 degrees 49 minutes 50 seconds E a distance of 86.0 feet, thence N 16 degrees 44 minutes 10 seconds E a distance of 104.6 feet, thence N 89 degrees 16 minutes 45 seconds W a distance of 51.5 feet to an iron pin on the West R-O-W of the Old Peabody Haulroad, also being the Northeast corner of a tract of land owned by Jung, thence following the old road West right-of-way and the East property line of Jung S 9 degrees 52 minutes 30 seconds W along a radius curve of 791 feet with a long chord distance of 209.9 feet to an iron pin, thence S 2 degrees 20 minutes 10 seconds W a distance of 269.7 feet, thence N 89 degrees 14 minutes 30 seconds W a distance of 256.7 feet to the point of beginning.

Situated in the County of St. Clair, State of Illinois.

P.I.N.: 14-28.0-200-022

Property Address: 168 Barber Lane, Freeburg, Illinois 62243

being indicated on an accurate map of the annexed territory (which is appended to and made part of this Ordinance) is hereby annexed to the Village of Freeburg, St. Clair County, Illinois, with a zoning classification of SR-1 (Single Family Residence).

Section 2: THAT the Village Clerk is hereby directed to record with the Recorder and to file with the County Clerk a certified copy of this Ordinance, together with the accurate map of the territory annexed appended to the Ordinance.

ORDINANCE #1665 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.

AYES _____ NAYS _____ ABSENT _____

Vote recorded by:

Jerry Lynn Menard
Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois, this ___ day of September, 2018.

Seth E. Speiser
Village President

ATTEST:

Jerry Menard, Village Clerk

Approved as to Legal Form:

Fred Keck
Village Attorney
