

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

June 2, 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, June 4, 2008, at 5:00 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items To Be Discussed

- A. Old Business
 - 1. Approval of May 7, 2008 Minutes
 - 2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code
 - 3. Status of Public Hazard Homes
 - 4. Countryside Lane annexations
 - 6. TIF Litigation
 - 7. Stumpf lawnmower repair business
 - 8. Training - Sexual Harassment
- B. New Business
- 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, June 4, 2008 at 5:00 p.m.

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The meeting of the Legal and Ordinance Committee was called to order at 5:03 p.m. by Chairman Kevin Groth on Wednesday, June 4, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Public Works Director Ron Dintelmann, Assistant Public Works Director John Tolan, Zoning Administrator Phil Borger, Village Attorney Brian Manion and Office Manager Julie Polson. Guests present: Robert Huelsman, Georgia Huelsman and Janet Baechle.

D. PUBLIC PARTICIPATION: Bob and Georgia Huelsman were present to further discuss their situation that they presented at the June 2, 2008 board meeting. A copy of that informational packet is attached to these minutes. Mayor Danford advised that we need time to figure out the history of this problem since they previously presented it to the board in August of 2000. Mayor Danford said we are going to have an engineer out to look at the property. Georgia Huelsman said there is no other culvert that goes towards Sugar Creek. Bob Huelsman said there are over 10 homes with no culverts that come towards their property and that they are the retention pond for the farmer across the street. Bob Huelsman confirmed that this happens more than one time a year and it has gotten worse over the years. Mayor Danford questioned the drainage ditch and the pipe being only half full and said he was not sure changing the size of the pipe would affect the ponding of water. Attorney Manion asked if the water is coming from inside or outside the subdivision and Bob Huelsman advised it is coming from outside the subdivision.

PWD Dintelmann reported that Rhutasel was out on Tuesday to look at the problem and we should have an answer from them within the next 2 - 3 weeks. Bob Huelsman asked what they will be looking at and Ron advised they will look at the whole area to see how it drains. One concern that needs to be addressed is if something is done to fix their situation, how will that affect the surrounding property owners. Trustee Groth asked if it was appropriate to take this one step at a time and see what the engineer says before anything else is considered and Mayor Danford advised yes. Mayor Danford stated that it will be a time-intensive process and questioned the Huelsmans if they have flood insurance. They said flood insurance is needed if you are in a flood plain. Trustee Groth said we have an obligation not to create a problem elsewhere. Georgia Huelsman asked that more attention be given to their situation this time. Trustee Groth said once the engineer's report is received, that information will be shared with them. The Mayor agreed but added we would not do so if our attorney advised against it. APWD Tolan said a check valve needs to be installed in front of the aeration system. Trustee Mattern asked if we had a scope for the engineer. Ron said the engineer

Legal and Ordinance Committee Meeting
Wednesday, May 7, 2008
Page 1 of 3

will be told to look at the whole drainage basin, shoot some grades and will look at the other side of the road too. Trustee Groth said once the report is received, we will schedule a meeting as quickly as possible.

A. OLD BUSINESS:

1. Approval of May 7, 2008 Minutes: Trustee Rita Baker motioned to approve the May 7, 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: Dennis will work up an ordinance for the Community Improvement Board to use as a starting point.

3. Status of Public Hazard Homes: We are still waiting to see if Sheets is going to file an appeal.

4. Countryside Lane Annexations: Ron met with Mark Luechtefeld on another matter this morning who advised he is ready to annex and asked the status of Gass' annexation. Julie will ask Dennis to follow up on this.

5. TIF Litigation: Brian Manion advised that Attorney Wigginton had a conference on Monday but has not talked to him about it.

6. Stumpf lawnmower repair: Rita said she has received more complaints. The complainant is contacting Ken Stumpf directly.

7. Training - Sexual Harassment: Julie sent an email to IMUA but had not heard back from them. Ron advised that IMUA does offer that as part of their training and will look into it further. Rita asked if the trustees could be a part of the training and Mayor Danford agreed. Ray thought it might be a good idea to look at other areas, i.e. ethics. APWD Tolan said he thought a session on dealing with the public would be appropriate. Janet Baechle asked if anyone looked into government grants for the training and Mayor Danford advised he had not seen any on that subject.

Kevin asked Julie to put the ordinance for recording meetings on the agenda under old business.

B. NEW BUSINESS:

Trustee Baker asked if we are going to pursue anymore derelict homes and brought up the Compton house, the porch is falling down. Ron advised he and Dennis have compiled a list of homes which include 2 White Street, and the home at the end of High Street across the railroad tracks. The committee discussed the condition of the homes and did not feel it was necessary to pursue demolishing any at this time. Trustee Groth felt if any property was going to be addressed, it should be the Harris Autobody/Sales on Route 13/15.

C. GENERAL CONCERNS: Zoning Administrator Borger brought up the problem of the new subdivisions and drainage problems with several homes because the grades are being changed. He mentioned Judge Starnes is very unhappy and threatening litigation. Mayor Danford advised that an ordinance is being established with regard to the rear lot line grading that is established by the developer and must be maintained after final inspection. If those original grades are changed, some type of fine should be imposed. Right now, it is a civil issue unless we govern it via ordinance. Trustee Groth asked if this is something we want to police. After further discussion by the committee, it was decided to direct Dennis draft ordinances to address this problem.

Trustee Charlie Mattern motioned to recommend to the full Board the Village staff be directed to prepare an ordinance to establish a policy to verify and document drainage easement grades before issuance of an occupancy permit and Trustee Rita Baker seconded the motion. All voting aye, the motion carried.

Trustee Charlie Mattern motioned to recommend to the full Board the Village staff be directed to prepare an ordinance to establish a policy that the property owner may not modify the original approved drainage easement grades and Trustee Rita Baker seconded the motion. All voting aye, the motion carried.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 6:32 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

VILLAGE PRESIDENT
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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Groth/Baker/Mattern)

Wednesday, May 7, 2008 at 5:00 p.m.

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

The meeting of the Legal and Ordinance Committee was called to order at 5:00 p.m. by Chairman Kevin Groth on Wednesday, May 7, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Village Clerk Jerry Menard, Administrator Dennis Herzing and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of 4/2/08 Minutes: *Trustee Charlie Mattern motioned to approve the April 2, 2008 minutes and Trustee Rita Baker seconded the motion. All voting aye, motion carried.*
2. Material Requirements on Commercial Buildings: Dennis will work up an ordinance for the Community Improvement Board to use as a starting point. This line item will be combined with Community Improvement Board.
3. Status of Public Hazard Homes: This item was discussed by the Board on 5/5/08. Dennis said the next decision to be made will be if Sheets files an appeal, do we want to respond? Dennis feels based on the Motion to Reconsider filed by Sheets, he will probably file an appeal.
4. Nuisance Abatement Code: Nothing new. This will be combined with Community Improvement Board.
5. Countryside Lane Annexations: Dennis is meeting with Gass and Luechtefeld tonight. Gass had some questions about his business in an agricultural district and Charlie said he should be grandfathered in. Dennis believes Luechtefeld might have some questions regarding the number of homes that can be allowed on the water line as he has 140 acres and might want to build on that land. Dennis said the EPA won't allow 2 services off one private line. Dennis reminded the committee the agreement states the water line will be built within a year after the parties annex.
6. TIF Litigation: Nothing new other than what was covered at Monday's board meeting.
7. Stumpf lawnmower repair: No-one has received any complaints. Dennis did not find anything in the ordinance that would address this problem other than disturbing the peace. You could possibly pursue this under a business operating in a residential district but an argument might be made that it is not operating at a financial gain.
8. Community Improvement Board: Mayor Danford said he has made a few contacts and is working on contacting the remaining individuals.

Legal and Ordinance Committee Meeting
Wednesday, May 7, 2008
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9. Training - Sexual Harassment: Julie checked with IML and they do not offer any such training. She then emailed Attorney Wigginton who confirmed it could be handled as a group training session and is waiting to hear back on the approximate cost. The committee discussed having the employees attend a brief session and follow up with the managers and department heads.

10. Swyears' fence: Dennis reported the fence that is up is complete, nothing will be added to it. He said Zoning Administrator Phil Borger required Swyear to purchase a fence permit,

B. NEW BUSINESS:

Chairperson Groth stated Attorney Wigginton had provided Steelville's ordinance regarding recordings of the meetings and the length of time they should be kept. Dennis will put together an ordinance specifying the time requirements for the various meetings. He will research the Plan Commission and Board of Appeal requirements.

C. GENERAL CONCERNS: Charlie asked about running a test for the emergency email notification system and Julie advised she and Jean are in the process of setting one up. The committee agreed this should be done on a monthly basis.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:32 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

Mr. Danford and Board Members,

June 2, 2008

My husband and I have come here tonight to present a drainage problem in our subdivision that has recently left our 85% finished, 1830 square foot basement full of storm water, sewage water and debris.

We live in the Sugar Plum Addition of Sugar Creek Subdivision, on Countryside Lane just off Wolf Road. We purchased our lot from Sugar Creek Land Trust/Floyd Schlueter in 1994 and built our home there in 1996. Our home is valued at or around \$300,000.00.

On the morning of May 26th we woke up to a 'storm drainage lake' quickly produced by an estimated 600,000 or more gallons of storm water sitting in our yard. The water was rising up into our neighbor's yard and pouring into our walk-out basement through our patio door and both windows, as well as forcing our aeration system to jet sewage up through our toilet and bathtub. Within 15 minutes of entry we had 9 inches of standing water in our entire basement. We were scrambling to grab things up and save them. Our son's bedroom had many guitars, amps and video equipment which we were able to get safely upstairs. Within 30 minutes of the peak of the flooding, the water was gone and the culvert had recovered. My husband opened the basement door to allow the remainder of the water trapped inside our basement to escape.

There were many things we did not have time to move or elevate. The invasion of the water destroyed the bottom part of all of our plaster work, trim, carpet and pad, as well as many other pieces of furniture and items that could not be moved. Please imagine what it might feel for your home to be invaded by a wall of water up against your house 3 foot high on the outside and there is nothing you can do to stop it.

We are bringing this problem to you again tonight. This problem is not new and not just because of an unusually wet spring. This problem was brought to the village in August of 2000. In July of 2000 we had a sudden and fast rain and the water came to our walk out door but did not come in the house. We took pictures and attended the next meeting of the street committee. We explained to the committee that the culvert which takes the subdivision water away was not big enough to take it away in a hard, fast rain and there were too many homes contributing to one small culvert. As you can see by the minutes that we have included in your package, we were sent away to resolve a subdivision drainage problem ourselves. The minutes are slightly incorrect by interpretation, in that we were told if we had anything in writing from Floyd Schlueter that said he would take care of any drainage problem that they could possibly help pursue it. Otherwise it was the fault of the developer and not their problem. They agreed at the meeting the culvert could not handle the water but that the farmer across the road had already complained about soil erosion and to add an additional culvert or a larger one would make more of his soil erode away. (This was discussed but not noted in the minutes).

We are asking for your immediate attention and to address the following issues. The first is to review the package we have provided to you at a date and time convenient for all members. The package displays the monstrosity of this problem and the damage that it

has caused to us as well as the imminent danger it presents to our neighbor. It includes the pictures we originally presented to the Street Committee. Next we ask that you reconsider who is truly responsible for approving subdivision development, it's storm drainage and it's effect on every lot in that subdivision. If subdivision plans are approved without adequate engineering consultation, approvals or redevelopment of subdivisions occur without considering the additional impact, who takes responsibility for that problem? We ask that you consider the water coming from at least 4 directions and emptying into one 42 inch culvert on Countryside Lane. We ask that you consider the amount of time that was dedicated to this issue when first presented to you in August of 2000 and can you say that it was sufficient to justify absolving the village of responsibility.

Last, we ask that you spend the time, this time, to correct the problem to protect the landowners as well as the farmer across the street, whatever that solution is determined to be by your experts, and to reimburse us for our losses over and above what was not covered by insurance. Please be aware that homeowner's coverage for water damage does not cover water coming from outside in. The partial amount we were able to claim was for the sewer backup which was a direct cause of the outside flooding.

We are not asking for a response tonight because the severity of the problem deserves more then time allowed at this session. We do ask that you respond to us in writing what your intentions are for correcting the problem as well as reimbursement for our damages and loss of property that we have incurred.

Not only have we incurred an enormous loss, our property value is at stake here as well as our neighbors. We took drastic and immediate measures to rid all wet materials from our basement within a couple hours of the water receding. However, there is much more work to be done to restore it. We are not pointing fingers, we are merely asking the board to review the information, assess the problem in a serious manner by securing a qualified engineer and evaluate the number of homes and the length of 'tributary watershed' of the storm run off. We ask that your committee resolve to find a solution that will protect us all and provide us the financial reimbursement to restore our basement to it's pre-flood condition.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Robert J. and Georgia L. Huelsman". The signature is written in dark ink and is positioned above the printed name.

Robert J. and Georgia L. Huelsman

Losses Due to May 28th Flooding

Huelsman Property Lost-May 26th	Value	Other
Carpet & Pad/Install Family Room/RJ Bedroom	\$3,380.00	120 sq yds
Drywall-Plaster/Labor	\$450.00	20 sheets
Baseboard & Trim Not Salvageable	\$175.00	
Decorative Paneling-12 sheets	\$300.00	Family Room
Patio Door-Walkout	\$700.00	Hurd-Wood
Proform Treadmill	\$800.00	
Ceiling Tile	\$750.00	
Panasonic 52in Big Screen	\$2,000.00	
Entertainment Center	\$150.00	RJ's Bedroom
Futon	\$229.00	RJ's Bedroom
Box Spring-Queen	\$300.00	RJ's Bedroom
Single Sofa Sleeper	\$300.00	RJ's Bedroom
Yearbooks-FCHS	\$90.00	RJ's Bedroom
Bathroom Vanity	\$250.00	
Roll Off	\$235.00	20yard
Tear Out-Clean up	\$2,100.00	(Ins estimate)
Install Labor Charges	\$1,400.00	All Rooms
Ceiling Tile, Blueboard, Paneling, Trim		
Subtotal	\$13,609.00	
Less Insurance Payout	<u>-\$5,000.00</u>	
Requested reimbursement from Village of Freeburg	\$8,609.00	
* This list is inclusive of what is requested for reimbursement but does not include all property lost		

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Allen L. Watters

VILLAGE CLERK
Mary Grau

VILLAGE TRUSTEES
Tom Gaby
Thomas Carpenter
Maria Sanders
Stan Koerber
Roger Skaer
Mike Yurgec

VILLAGE TREASURER
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ZONING ADMINISTRATOR
Patrick Smoker

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

OFFICE MANAGER
Billie Louthan

POLICE CHIEF
Steve Flater

VILLAGE ATTORNEY
Gregory C. Nold

VILLAGE OF FREEBURG STREET COMMITTEE

Wednesday, August 9, 2000

7:00 p.m.

Chairperson Maria Sanders called the Street Committee to order at 7:03 pm. in the Village Hall; on Wednesday August 9, 2000 those in attendance were Chairperson Maria Sanders, Trustee Tom Gaby, Trustee Mike Yurgec, Public Works Director Ron Dintelmann, Assistant Public Works Director John Tolan, Administrator Bob Kell. Tony Irwin of Rhutasel and Associates along with Bob, Georgia, and TJ Huelsmann residents of the wolf road area.

The committee reviewed a presentation prepared by PWD Dintelmann of the grades he recently shot along the drainage way located adjacent to the Huelsmann property lot and flowing under the Country side lane area. It was noted only a few inches difference existed between the top of the 42" culvert and the walk out basement floor of the Huelsmann dwelling. The Huelsmann's presented pictures and explained the problems they have encountered since the heavy rains began and shared their concerns with the committee due to the water runoff and future development area potential runoff increase. After much discussion and review of maps of the area the committee suggested the Huelsmann's go to the Subdivision developer and seek a detention solution, and any documents the homeowners might have could be provided to the village for review to ascertain how the village might work with the homeowners and developer to find a solution to the water drainage and runoff. The Huelsmann family members retired from the meeting in progress at 7:30 pm.

The committee examined the Kessler road plans and the administrator explained the easement previously executed was for utility only and new easements have been prepared for inclusive of roadway and drainage conditions. These would be presented to the landowners and Mr. Erwin offered his assistance if needed to help with homeowner discussions and easement negotiations. The committee expressed their displeasure with having to obtain additional easements. Mr. Erwin noted the plans have been sent to IDOT for review.

The committee discussed the apple/Belleville street traffic signal and was informed the county has approved plans and is available to stripe the intersection with their crews if the village can remove the existing lines from the pavement surface. The committee

agreed to remove the lines with village labor and rental equipment as needed. Ron would coordinate the striping with county. The engineer presented a schedule, which enabled the Village board to seek, bides for the project on August 21, 2000 and upon bid award have the project completed within 45 days.

The committee reviewed the Sidewalk and Salt Storage building general grant information and recommended the Village accept the legislative grant awards as presented for \$25,000.00 for sidewalk improvements and \$60,000.00 for building construction. The village would administer the project as lead agent.

The PWD announced the MFT dates for regular street oiling and noted he continues to work out a gatoring schedule. The street oiling date set for July 19 did not occur due to availability of contractors and but the 21 all lots and regular streets received their resurfacing materials. The later dates remain 21 and August 23 thru 25. He noted the department would try to rent a gator and use our operators at a cost of \$4,750.00 plus delivery and repairs for one week. Details were still being worked out and dates.

The PWD asked about the High school parking lot lights and the administrator had discussed this with the Superintendent and left it to the Superintendent to contact the PWD when he was ready.

The PWD explained the part-time seasonal employees time will be up soon and he noted one of the employees was available to continue working for another 30-45 days or so. Due to the manpower situation the PWD expressed interest in keeping the employee for the additional time. The committee recommended extending the seasonal employment for the employ.

The PWD asked about the possibility of purchasing some bunting to place above the high areas as the Christmas lights for the homecoming. The cost was in the \$200.00 range the committee agreed wit the purchase and directed the PWD to use the P.O. process.

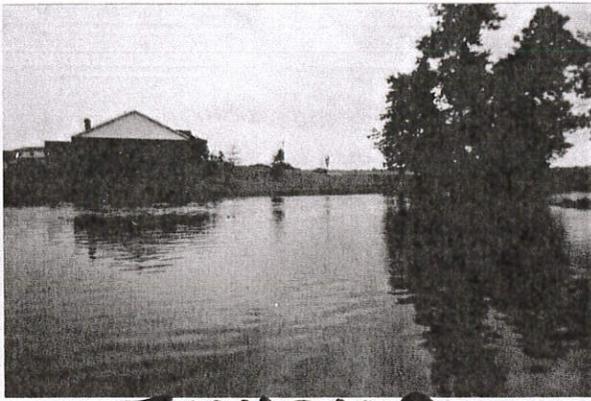
Mr. Yurgec asked about the drain covers in front of the firehouse and the PWD noted these had been installed.

Having no further businesses on a motion by Gaby seconded by Yurgec the meeting was adjourned at 8:15 pm.

Note Taker



Robert J. Kell



JULY 2000



JULY 2000

May 2008
6:30am



Facing
culvert





Facing
Rear of
Huelsm
Property



Culvert
Emptying
on oppo
side of
street
(Country
Lane)



Shows
water com
down
country
across t
street to
Huelsm
Property

