

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

August 4, 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, August 6, 2008, at 7:00 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items To Be Discussed

- A. Old Business
 - 1. Approval of July 2, 2008 Minutes
 - 2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code
 - 3. Status of Public Hazard Homes
 - 4. Countryside Lane annexations
 - 5. TIF Litigation
 - 6. Stumpf lawnmower repair business
 - 7. Training - Sexual Harassment
 - 8. Ordinance for recordings of meetings
 - 9. Huelsman water problem
 - 10. Ordinances for drainage easement grades
- B. New Business
 - 1. Limited Groundwater Ordinance
- 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, August 6, 2008 at 7:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 7:02 p.m. by Chairman Kevin Groth on Wednesday, August 6, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of July 2, 2008 Minutes: Trustee Rita Baker motioned to approve the July 4, 2008 minutes and Trustee Kevin Groth seconded the motion. All voting aye, motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Mayor Danford advised no date has been set because of everyone's summer schedule. He is hoping to have that set in the near future.

3. Status of Public Hazard Homes: Trustee Rita Baker motioned to enter into Executive Session at 7:05 p.m. and Trustee Kevin Groth seconded the motion.

ROLL CALL VOTE: Trustee Rita Baker - aye; Trustee Kevin Groth - aye. All voting aye, the motion carried.

EXECUTIVE SESSION 7:05 P.M.

Trustee Rita Baker motioned to end Executive Session at 7:18 p.m. and Trustee Kevin Groth seconded the motion.

EXECUTIVE SESSION ENDED 7:18 P.M.

Trustee Rita Baker motioned to reconvene the Legal/Ordinance Committee meeting at 7:21 p.m. and Trustee Kevin Groth seconded the motion. All voting aye, the motion carried.

4. Countryside Lane Annexations: Dennis advised the ordinances for annexing the properties will be included at the next board meeting on August 18, 2008. The

Legal and Ordinance Committee Meeting
Wednesday, August 6, 2008
Page 1 of 3

notices needed to be sent to Smithton Township and we needed more time to get that done and have the notice published in the correct timeframe.

5. TIF Litigation: Discussed in executive session.

6. Stumpf lawnmower repair: Nothing new. Mayor Danford noted this could possibly be addressed as a nuisance issue. He said the Police/Personnel Committee is dealing with excessive noise as a nuisance issue and these could possibly be combined.

7. Training - Sexual Harassment: Rita said Jerry called her about this and told her she had talked to several municipal clerks. None of them remembered any sexual harassment training. Ron has scheduled a seminar with IMUA on August 25th. We will have some of the office staff present at that seminar. Dennis said he does not believe there is any requirement that we have to have it, it was recommended by Attorney Wigginton.

8. Ordinance for recording meetings: Dennis is working on it.

9. Huelsman water problem: Kevin advised he talked to Georgia Huelsman and advised her the Village did not feel it was their responsibility. He would like to see the Village act as a facilitator in obtaining help from other agencies for situations like this. Dennis said he attended a seminar conducted by FEMA for the flood disaster program and also one for the floodplain maps. At that meeting, there was a representative with regard to the National Flood Insurance Program. An in-depth booklet was provided, "Reducing Damage from Localized Flooding," which provides much information on what municipalities can do to address problems like the Huelsmans. Dennis said all the trustees should read this booklet to give us a starting point to get some programs initiated to help the Village residents. Dennis advised the committee when the FEMA representative was in Freeburg, he did take a look at Huelsman's property and agreed their problem is not our responsibility. Dennis said we do have a floodplain ordinance which should make floodplain insurance available to our residents. The committee agreed to have Dennis prepare a formal response which will include the information we obtained from FEMA and have that ready for the Committee as a Whole meeting on Monday, August 11, 2008.

10. Ordinance for drainage easement grades: Dennis previously provided the ordinance for committee review. The question still remains of how to enforce the issue. Dennis talked to Gale Hake about the cost to have a surveyor certify the lot grade and it would run approximately \$500 - \$600. Dennis and Ray discussed this and thought an option might be to perform the inspections in-house and call in a professional when there is a problem. Charlie said we could charge the contractor/property owner \$50 when the building permit is issued. That would go into a fund and could be used when we need to hire a surveyor to shoot the grades and confirm the problem. We could then send that report to the homeowner with the stipulation that it be fixed in so many days. Dennis said this still does not address the more serious problem that happens after the homeowner is in, it is

then a civil issue. It was suggested we could also look at this as being a nuisance issue, i.e. go in and regrade the property to fix the problem and send them a bill. The committee agreed they would like Dennis to further review the information from FEMA and see if they have any suggestions.

B. NEW BUSINESS:

1. Limited Groundwater Ordinance: Dennis explained this ordinance would allow the EPA to signoff on the site without Motomart having to do as much cleanup. The level of contamination was discussed and the committee agreed they want to know what the level of contamination is. Dennis will contact EPA and ask for clarification on the contamination. He thinks it is residual contamination from a long time ago.

Kevin has an issue related to the Huelsman problem. He would like verbiage put onto the building permit that plats are available for review for persons buying into a subdivision. Dennis said we currently have a statement on the permit that references if you don't know your lot size, where easements are located, etc., to ask the zoning administrator. Dennis will look into.

Kevin also brought up a problem at 408 N. Main Street. Eric Bricker is working in the home and told Kevin it is full of mold. His girlfriend lives next door at 406 N. Main and has called the Village to advise them she has been sick and thinks it is from the mold. Kevin advised them to have a doctor check them out. Kevin would like to have this addressed under the Community Improvement Board as our ordinances do not support this problem. Kevin said he does not feel comfortable having renters move into a place that we know is a health hazard. Ray said he would like something to be done on this. Dennis said this would be handled under an occupancy code and we would have to create new ordinances to handle this. He has a copy of St. Clair County's Occupancy Code and will take a look at it. Kevin said he would like this to be a fast-track item and Ray agreed.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: Janet asked if the culvert on Potter Street has been looked at and Dennis advised it has not.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 9:13 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, July 2, 2008 at 5:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:19 p.m. by Chairman Kevin Groth on Wednesday, July 2, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guests present: Tom Pajares, Jim and Judy Rachell.

A. OLD BUSINESS:

1. Approval of June 4, 2008 Minutes: *Trustee Rita Baker motioned to approve the June 4, 2008 minutes and Trustee Kevin Groth seconded the motion.* All voting aye, motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Mayor Danford advised he needs direction from the committee. He has compiled a list of people he believes would be a good fit for this board which include Phil Borger, Dennis Herzing, John Davinroy, Dave Favre, Jr., Rob Harris, Steve Woodward, Ken Vielweber, Ken Bald, Bob Koerber and Dale Klohr. He believes that will make the discussions more profitable to us. The committee agreed for them to be autonomous and provide a laundry list of what they think the shortcomings are. The committee also agreed another addition to the committee might be Rosemarie Parker. Ray will talk to her.

3. Status of Public Hazard Homes: Nothing new other than waiting to see if Sheets will file an appeal after the hearing on the Motion to Reconsider.

4. Countryside Lane Annexations: Dennis advised that both agreements have been received and Julie will get the Plan Commission hearing scheduled. Dennis did advise Ms. Gass the water line probably won't be done until close to the end of the fiscal year.

5. TIF Litigation: Dennis advised that Attorney Wigginton is moving this along with Freeburg Development's attorney.

6. Stumpf lawnmower repair: Nothing new.

7. Training - Sexual Harassment: Jerry said she is waiting to hear from one of her Village Clerk contacts to see what they've done. We will wait to see what see comes back with. IMUA can provide the training at a cost of \$300.

Legal and Ordinance Committee Meeting
Wednesday, July 2, 2008
Page 1 of 4

8. Ordinance for recording meetings: Dennis is working on it.

9. Huelsman water problem: Ray advised the Huelsmans wanted a more private meeting, hoping we would gather the information and go over that in Dennis' office to discuss what options were available to them. Ray asked for direction on how to handle that, i.e. surveying costs. TWM does not want to survey it because they feel they are so far into the safety zone and if they did, it would look like an admission of guilt. We need to address the issues: 1. can drain pipe be enlarged to alleviate the problem; and 2. can we confirm or deny that additional building hasn't occurred there that has placed an additional burden on them. When we can answer those questions, we can talk to Huelsmans. Ray wanted the committee's opinion on whether we survey the area at an approximate cost of \$4,000. Charlie asked for a quick review of the problem. Dennis explained the first document would be the 1994 plat where lot (#12) was created. Dennis talked to Gale Hake and he thought that 1.5 feet above the street note was a fairly common thing. Dennis did not see that note on any other plat that we have in the vault. He thinks what is required to be on there is a statement about the floodplain which is on this plat. The second document is a copy of their sales agreement and in the addendum to that sales contract, they asked that the creek or ditch be relocated to run along the south property line which was done. He doesn't have anything to show that the easement was moved. Their house sits about where the creek used to be and the easement follows the shape of the creek. That whole area was a low drainage swale which drained the whole area (Niebruegge, Sugar Creek) and the house was constructed with the open walk-out basement very close to the elevation of the creek. The building permit is the third document in the process. Dennis said this is very typical of what we get on a residential permit - a sketch showing how a house is situated on a lot and generally is reviewed for zoning setbacks. Dennis looked at all the plats to see the history of how this area developed. It starts with Sugar Creek (1987-89), Niebruegge (1990), Sugar Plum edition of Sugar Creek (1992) and this plat was submitted in 1995. The Village didn't approve anything that changed their lot from when they had purchased it. We went back and found the minutes from 2000 which shows the Village did not ignore the problem. They show that Tony Irwin came to that meeting in 2000 when the Village advised it was not their responsibility. Sid LeGrand from Rhutasel prepared a proposal and he explained that TWM's name is on the plat and Rhutasel would prefer not to get involved. Sid said based on his visual inspection, the basement floor is lower than the top of the culvert. The basement will flood before the culvert gets full. He said putting in a bigger culvert will not solve the problem. Sid said Rhutasel would charge approximately \$4,000 to investigate the problem and suggested we talk to TWM. Dennis told the committee that he called Tony Irwin and Roly Thouvenot who advised they are hesitant to go out and survey it. If they do something, they will share the information with us. The committee agreed we have done what we can do and will present all of the information gathered to the Huelsman's in a meeting with Dennis, Ray and Kevin. They will advise them that it is the committee's decision not to spend any money unless they can present information to the contrary. After discussion by the committee, they decided to hold a

Legal/Ordinance committee meeting with only them on the agenda on July 8, 2008 at 4:00 p.m. Ray will contact the Huelsmans and invite them to this meeting.

10. Ordinance for drainage easement grades: Dennis explained that most everything is already addressed in the code but added in Paragraph E in the draft ordinance. His problem is how aggressively is this going to be enforced and the mechanism to do so. Dennis said in most of the cases, the problems have come along after the developer is gone, and believes the problem stems from the property owners and/or contractors. Charlie said it should be added as an extra item to the checklist prior to the issuance of the occupancy permit. The question of who should conduct the inspection was discussed. Charlie said we could have the zoning administrator or one of the public works employees shoot the grade and if they think there is a problem, then hire a professional to come out. Charlie said we can make it a condition of the occupancy permit that the builder/owner hires an engineering firm to confirm the lot grades have not been altered along with a certification. Dennis will make some calls to find out what this might cost the builder/owner and if we are going to do it that way, he will revise the ordinance.

B. NEW BUSINESS: None.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: Tom Parajes who resides at 301 Torrington Lane, was present to discuss the drainage problems around his home. He provided pictures of the problem. Dennis has gone out and looked at his situation a number of times and is exactly the problem we are talking about (drainage easement grades). When his house was built, the grade in that drainage ditch was changed and it backed up the drainage about three houses upstream of where his house is. That person complained and we informed them the Village doesn't maintain drainage on private property. Somebody came in and cut a big ditch to make that drainage problem go away and someone else didn't like that. Someone put in those three culvert pipes and they run from the original complainant to behind Mr. Parajes' home where they lay on top of the ground and do eventually drain to the storm sewer. Dennis said one solution would be to cut them off where they daylight, pick up the rip rap and shape the ditch correctly. Dennis advised Mr. Parajes that we do not allow fences on easements. Tom said he will cut off the pipes and asked if he is responsible for anything that would back up. Dennis said once the yard is established and everything is fixed, the problem should be lessened at the inlet. With respect to the fence, Tom cannot locate the property pins. Kevin asked if we could locate those for him. The committee agreed to have Dennis, Kevin and PWD Dintelmann will go out and locate the pins for him and/or offer suggestions for him on placement of the fence if they can't locate them. Tom won't be able to meet with them during the day as he works. Dennis also told Tom that we would be willing to pick up the rip rap and debris and that we might have some excess dirt to help him rectify the ditch situation.

Jim and Judy Rachell were present at the meeting to discuss the problem with their future home at 526 N. Edison Street. Jim Rachell advised that he

contracted with JLP Construction for a new home and found out today that he can't get an occupancy permit because the deck sticks out over the easement. He is scheduled to close on 7/10/08. He said there are two other 3-unit buildings with 4 units occupied. He wants to know what can be done between now and the 10th because he has to move. Trustee Groth advised Mr. Rachell that the other people moved in prior to us being aware of the situation. Dennis said about two weeks ago, the problem came to light that when our public works department was out there working and found the sewer manhole underneath one of the decks. Dennis said there is a 15' easement on the lot where these units were built, with a 10' easement on the lots behind them, and the sanitary sewer is at the edge of the easement nearest their building. When Poetker was in the process of building the unit in question, he came in and talked to us about encroaching on the side lot line easement and was told that wasn't a problem. The site plan they provided only showed the basic structure, it did not include the 16' porch or deck with the roof tied into the main structure. We then sent Poetker a letter stating we would not issue any occupancy permits until the problem was fixed. Mr. Rachell said Mr. Poetker told him he would accept total sewer maintenance responsibility. Dennis advised Poetker told him this also but that it would be a board decision and that he did not see that as a viable option. Dennis said a possible compromise would be to remove part of those decks and bring them back to where the easement would be clear and open for access to maintain the sewers. Trustee Mattern asked if the sewer could be moved to the other side of the easement at Poetker's expense. Dennis said that is an option that can be looked at. Charlie said we would then look at allowing a deck over the easement. Dennis confirmed they can move into the unit without an occupancy permit and turn the utilities on, the inspections have passed on this building. Dennis said he could see the board agreeing to issue the occupancy permit with the knowledge that an agreement has been reached between Poetker and the Village to fix the problem. Dennis advised the Rachell's they might want to put something in their sales agreement to further protect themselves and to go back to Poetker and advise him he needs to meet with the Village to come up with a solution. The Rachell's would then have to go before the Zoning Board of Appeals to vary the rear setback to allow the existing deck to stay. Dennis will meet with Ron tomorrow morning to see if it is physically possible to move the sewer. He said it might be possible to shift the whole easement to the lots behind the existing triplexes. Dennis asked if Charlie or Kevin had been contacted by Poetker and they advised they had not.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 7:32 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager



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March 31, 2008

RECEIVED

APR 02 2008

City of Freeburg
14 Southgate Center
Freeburg, IL 62243

RE: Limited Groundwater Ordinance to Prohibit the Use of Groundwater as a Potable Water Supply

To Whom It May Concern:

The purpose of this letter is to request that the City of Freeburg consider adopting a limited groundwater ordinance. The passage of this ordinance by the City of Freeburg would prohibit the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method. Please find enclosed a copy of the ordinance for use as an environmental institutional control when groundwater contamination is present along with a site map that depicts the proposed area for the groundwater ordinance. Many cities and villages have adopted such an ordinance to assist with the redevelopment of commercial and industrial properties and to protect the public from potential groundwater contamination sources which may be associated with commercial/industrial sites within their City limits.

United Science Industries, Inc. (USI) has been contracted by Moto Inc, an Owner/Operator within the City of Freeburg to propose a Corrective Action Plan to the Illinois Environmental Protection Agency (IEPA) for their Leaking Underground Storage Tank (LUST) site. Groundwater contamination that exceeds the Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 742 has been confirmed as a result of the incident. The contaminant of concern is gasoline released from leaking underground storage tank system that was formerly located on this site.

I would like to offer the following comments concerning a proposed groundwater ordinance:

- The ordinance could become a tool to promote commercial development. A limited groundwater ordinance can be a cost effective tool utilized by property owners to meet IEPA requirements. A properly executed limited groundwater ordinance will successfully prevent human contact with the groundwater contamination without the expense and time required to perform more active remediation. A limited groundwater ordinance would potentially assist many

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

WHEREAS, certain properties in the City of Freeburg, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier I residential remediation objectives as set forth in 35 Illinois Administrative Code 742: and

WHEREAS, the City of Freeburg desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Freeburg, Illinois:

Section 1. Use of groundwater as a potable water supply prohibited. Except for such uses or methods in existence before the effective date of this Ordinance, the use or attempt to use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Freeburg, is hereby prohibited within the area described below and shown on Figure 1, which is attached hereto and incorporated herein by reference.

PROHIBITED AREA FOR GROUNDWATER AS POTABLE WATER SUPPLY

Parcel Identification Number

14-29.0-109-034
14-29.0-109-029
14-29.0-109-065
14-29.0-109-062
14-29.0-109-022
14-29.0-120-019
14-30.0-207-007
14-30.0-207-008
14-30.0-207-009
14-30.0-207-011

PASSED BY City Council of the City of Freeburg, St. Clair County, Illinois,

this ____ day of _____, 2008.

AYES _____

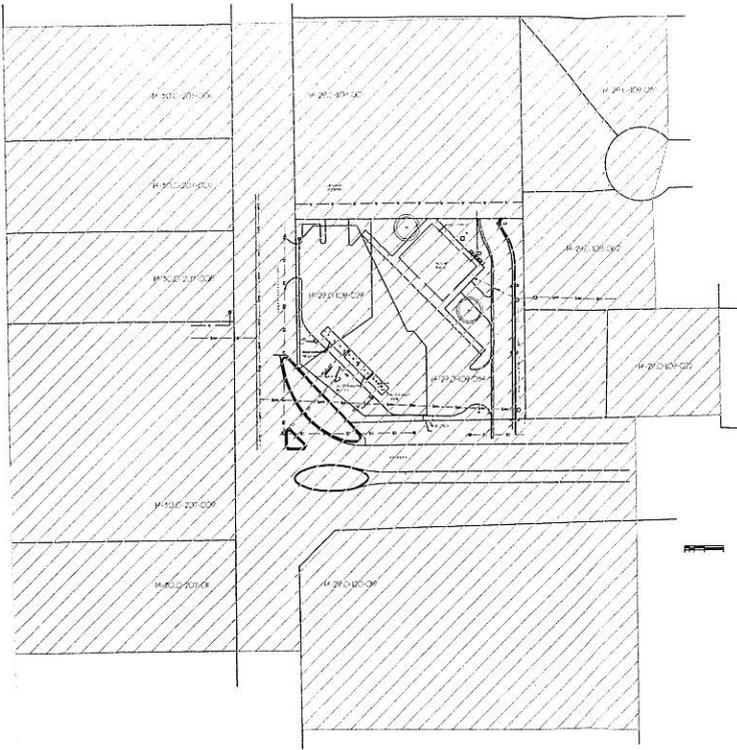
NAYS _____

ABSENT _____

Mayor

ATTEST:

City Clerk



LEGEND

- A — AIR LINE
- SS — STORM SEWER
- SAN — SANITARY SEWER
- W — WATER LINE
- GAS — GAS LINE
- PL — PROPERTY LINE
- OHE — OVERHEAD ELECTRIC
- UE — UNDERGROUND ELECTRIC

GROUNDWATER ORDINANCE

LPC#1630605019—St. Clair County
 611 South State St.
 Freeburg, IL
 LUST Incident No. 940074



PROJECT NAME: FREEBURG MOTOMART	
DRAWN BY: MBS	PROJECT NO: 1803263
REVISED BY: TPS	TITLE: GW ORDINANCE
DATE: MARCH 2008	DWG NAME: LOCATOR.DWG
SCALE: 1"=100'	DWG NO: Figure 1