

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  
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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

## FREEBURG REGULAR BOARD MEETING

Monday, November 19, 2007

7:30 P.M.

**CALL TO ORDER:** Mayor Raymond Danford called the Regular Board Meeting to order at 7:30 p.m., on Monday, November 19, 2007, in the Freeburg Municipal Board Room.

**PLEDGE OF ALLEGIANCE:** Those present and Board Members recited the Pledge of Allegiance.

**ROLL CALL:** Trustee Charlie Mattern – here; Trustee Steve Smith – here; Trustee Rita Baker – here; Trustee Corby Valentine – here; Trustee Tony Miller – here; Trustee Kevin Groth – here and Mayor Raymond Danford – here. (6 present, 0 absent) Mayor Danford announced there is a quorum.

**MINUTES OF PREVIOUS MEETING:** Trustee Rita Baker motioned to approve the minutes of Monday, November 5, 2007 and Trustee Corby Valentine seconded the motion. (6 ayes, 0 nays, 0 absent). All voting aye; motion carried.

**FINANCE:** None.

**TREASURER'S REPORT:** Treasurer Bryan Vogel asked for approval of the March, 2007 Treasurer's Report.

Trustee Rita Baker motioned to accept the March 31, 2007 Treasurer's Report and Trustee Corby Valentine seconded the motion; **ROLL CALL:** Trustee Rita Baker – aye; Trustee Corby Valentine – aye; Trustee Charlie Mattern – aye; Trustee Steve Smith – aye; Trustee Tony Miller – aye; Trustee Kevin Groth – aye. (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

**ATTORNEY'S REPORT:** None.

**ESDA REPORT:** Mayor Danford stated he didn't see Gene tonight and that he doesn't have anything from him on the meeting Gene presented Wednesday night. Mayor Danford stated it was very well prepared and he wanted to thank all the different departments that participated in the program. We need to repeat the program or find a way to get this information out, it was good and valuable information.

### PUBLIC PARTICIPATION:

1. Jan Baechle stated that she attended the program on Wednesday, and she thought it was very good and learned a lot. Jan said she attended the Freeburg Community Women's Club meeting the next day and tried to hit the highlights of the program and told them they should have been there -- they would have learned a lot.

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2. Jan asked another question about the Bowling Alley being changed into apartments and possibly that they are requesting financing from the Village. Mayor Danford's reply to Jan's question was that he has not heard much as far as that type of request. Administrator Herzing answered they made out an application to the Zoning Board of Appeals for a special use permit for converting the Bowling Alley into an apartment complex. They haven't asked for financing from the Village.
3. Jan asked if they do, have you given any thought. Mayor Danford answered that he was tempted to say none whatsoever. There has been no discussion at any committee meeting. Trustee Miller spoke up stating there is a lady in his subdivision that lives directly behind there who is circulating a petition to give to the Board of Appeals, and for that special use permit we have no say at all, that is up to the Board of Appeals. If anyone is against the apartment complex, they should show up at the Zoning Board of Appeals on November 29, 2007 at 8:00 p.m. to voice their opinion.

**REPORTS AND CORRESPONDENCE:** Mayor Danford announced that we received a thank you letter from Freeburg Community Consolidated School District #70 for our participation in "Transportation Family Fun Night."

**RECOMMENDATIONS OR ACTIONS OF BOARDS AND COMMISSIONS:** Mayor Danford said next on the agenda is Exhibit C, which is the Plan Commission's recommendation for an amendment to our Zoning Code. The Plan Commission was held on Tuesday, November 13, 2007 and the hearing was to consider dropping the minimum area requirements for zoning districts. The recommendation to the Board of Trustees was passed with 4 ayes and 2 nays recorded. Administrator Herzing said that Gale Hake pointed out to the Plan Commission a conflict in the zoning code. Our code required annexations to come in as SR-1 with a 5-acre minimum size, but yet if smaller lots wanted to annex in, they could not because of the size requirement. Administrator Herzing said we took this to Attorney Wigginton and asked his advice. His advice was to just remove those sizes and rely on the Plan Commission to determine it. Dennis said, the ordinance to correct this is in the packet tonight and is similar to the one previously passed except for added verbiage. We failed to hold a public hearing like we should have, so we backed up and held the public hearing like we should have done. A lengthy discussion was held with many questions and answers taking place. Trustee Miller asked do we know why 2 Plan Commission members voted against it. Mayor Danford answered he believed it was the reference to the spot zoning. What we have been doing is spot zoning and shouldn't be allowed. He had a discussion with Frank he said even if it is in the best interest for the Village to annex. His opinion is spot zoning should take precedence above that, we should not have annexed certain properties just because of spot zoning characteristics. It is not necessarily against the law to spot zone, it just needs to be proved in court if it is challenged by anybody, that is in the best interests of the citizens and the village that is involved. Further discussion was held regarding spot zoning.

*Trustee Kevin Groth motioned to accept the Plan Commission's recommendation to remove the minimum size requirements for zoning districts and Trustee Rita Baker seconded the motion. ROLL CALL:* Trustee Kevin Groth – aye; Trustee Rita Baker – aye; Trustee Charlie Mattern - aye; Trustee Steve Smith – nay; Trustee Corby Valentine – aye; Trustee Tony Miller– aye. (5 ayes, 1 nay, 0 absent) With 5 ayes, motion carried.

**CONTRACTS, RELEASES, AGREEMENTS AND ANNEXATIONS:** None

**BIDS:** None

**RESOLUTIONS:** None

**ORDINANCES:**

Ordinance No. 1270: AN ORDINANCE AUTHORIZING THE EXECUTION OF THE IMLRMA MINIMUM/MAXIMUM CONTRIBUTION AGREEMENT

A small discussion was held about the agreement and payment. Trustee Miller asked if we checked into the payment? Administrator Herzing said we did and it does cost more to divide it in half, so we went ahead and paid the entire agreement. This ordinance here is just a formality since you already decided to go with the minimum/maximum agreement. Trustee Valentine asked did if we paid for the entire year? Dennis answered yes. Trustee Valentine said he thought the way he read it, we could pay so much by November something and the balance by a certain date. Administrator Herzing said you pay more by doing that. We called and checked that, if you pay 51% now, you would not be paying 49% by next June, you would be paying an additional 51% on the second payment. The wording was very deceiving. We only save the 2% by paying the entire amount by November 16, 2007.

*Trustee Tony Miller motioned to accept Ordinance No. 1270 by title only and Trustee Steve Smith seconded the motion. ROLL CALL:* Trustee Tony Miller – aye; Trustee Steve Smith – aye; Trustee Charlie Mattern - aye; Trustee Rita Baker – aye; Trustee Corby Valentine – aye; Trustee Kevin Groth – aye. (6 ayes, 0 nays, 0 absent) All voting aye, motion carried.

Ordinance No. 1271: AN ORDINANCE AMENDING TITLE XV, CHAPTER 155 OF THE REVISED CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS (ZONING CODE)

*Trustee Rita Baker motioned to accept Ordinance No. 1271 by title only and Trustee Kevin Groth seconded the motion. ROLL CALL:* Trustee Rita Baker – aye; Trustee Kevin Groth – aye; Trustee Charlie Mattern - aye; Trustee Steve Smith – nay; Trustee Corby Valentine – aye; Trustee Tony Miller – aye. (5 ayes, 1 nays, 0 absent) All voting aye, except 1 nay motion carried.

**OLD BUSINESS:**

Trustee Miller would like to voice his dissatisfaction with the Village of Smithton one more time. This is his opinion and his opinion only -- he is ready to move on and worry about the Village of Freeburg only and our sewer needs and not the needs of the Village of Smithton. He thinks we should separate the ties with them. He stated we need to look at what is in our own best interests instead of including them in, that we find out what is best for us and move on and stop negotiating. We need to look to our future and remove them from the equation altogether and move on. Mayor Danford said it at the last meeting he had with the mayor, he asked me to expedite the missing papers that Carmen was requesting from our attorney. Apparently from the article in the newspaper, the missing papers were the previous agreements from Collinsville and Maryville which everybody has. Mayor Danford said he sees it as nothing but a stalling point for Carmen Durso. Trustee Valentine said he agrees with what Tony said and we should advise our attorney not to spend any more time or money. Administrator Dennis advised he will tell our attorney not to spend anymore time on it until further notice.

**NEW BUSINESS:** None.

**APPOINTMENTS:** None.

**COMMITTEE MEETINGS:**

**Legal and Ordinance :** Legal and Ordinance Committee Meeting was called to order at 4:07 p.m. on Wednesday, November 7, 2007 by Chairperson Kevin Groth..

1. Material Requirements on Commercial Buildings: Chairman Groth said it was decided that maybe we need to poll some of the other organizations to get a feel for how the Village residents actually feel on this issue. We are working on a questionnaire/survey to determine this before we spend a whole lot of time trying to figure out what will go into the ordinance.
2. Status of Public Hazard Homes: Chairperson Groth asked Administrator Herzing if there anything he would like to add about the Koesterer property other than there is someone trying to buy the property. I told the attorneys we don't care, they can pay the attorney's fees, but it still comes down December the 3<sup>rd</sup> if it is not down already by then. Chairperson Groth said we talked about the Kinzinger property and R&N Tree Service has cleaned the property up and done a very good job.
3. Nuisance Abatement Code: This will be discussed in the future.
4. Recording System for Board Room: We talked about a recording system for the board room. Trustee Groth presented the proposed recording system for the Board Room including 6 push to talk microphones to be placed near the trustees' stations, a wireless microphone and stand for public participation. A lengthy discussion continued on what kind of system should be purchased. The quote for the above system was \$3,708.00. Administrator Herzing said you might want to put a little room in that amount for last minute details - around \$200. Further discussion was held about what kind of system would be best. Mayor Danford asked Trustee Smith if he would like to pursue a motion. Trustee Smith said he has one more question on the sound system. Trustee Smith said he knows we have an outdated tape recorder, but this doesn't sound like much of an upgrade with having to hold down a button to speak -- that is not voice-activated. Mayor Danford replied we will have more clarity for the secretary to take minutes and also recording time is considerably longer, it records up to 1500 minutes versus 90 minutes which avoids the hassle of missing parts of the meeting, because the tape has ended. Dennis said he did talk to the guy about voice activated system but he did not recommend it. He said there are problems with it when you get a group like this when several people are talking. Trustee Mattern asked Trustee Groth would you like to amend your motion to include if the system is expandable, that way we can vote on it tonight, and if it is not expandable which they can find out tomorrow, they can proceed, if it's not, we go back.

*Trustee Kevin Groth motioned to spend up to \$4,000.00 on the new recording system for the Board Room; Trustee Groth amended his motion to include that the recording system be expandable if we pursue the extension of the system to include the executive board room and if it is not expandable we need to go back and do a change order and Trustee Charlie Mattern seconded the motion.,* **ROLL CALL:** Trustee Kevin Groth – aye; Trustee Charlie Mattern – aye; Trustee Steve Smith -aye; Trustee Rita Baker – aye; Trustee Corby Valentine – aye; Trustee Tony Miller – aye. (6 ayes,0 nays, 0 absent) All voting aye, motion carried.

5. PWD, APWD and Chief of Police Position Status: We requested some information from Attorney Wigginton which has arrived. We haven't had time to look at it yet.
6. Regional Wastewater Treatment: We heard the feelings on that tonight.
7. Stumpf Lawnmower Repair: Brian Stumpf has contacted most of the neighbors who did not voice any opposition. We thought we would leave this alone right now.

**Electric Committee Meeting:** Electric Committee Meeting was called to order at 5:35 p.m. on Wednesday, November 14, 2007 by Chairperson Corby Valentine. Chairperson Valentine announced the first thing on their agenda was public participation.

1. Public Participation: Mark Eichenlaub was present to discuss his concerns with his utility bill. The committee discussed this situation and sent a letter to Mr. Eichenlaub with the committee's decision on his outstanding utility bill.
2. Power Plant: Chairman Valentine said that Ron told them about a small problem at the power plants -- one power plant isn't talking to the other power plant, but they are operational. They are getting the problem resolved with ISO.
3. Switchover from Ameren to Freeburg electric: We received Ameren's latest proposal that was sent to IMEA Ron and Dennis were advised to negotiate on a couple of points so we can move forward in switching the people over to Freeburg power that want to.
4. Generators: Chairman Valentine asked Ron if the other generator showed up, Ron replied yes. We have the two large trailer generators we can't get the propane, one for Woodsvie, but Ron is looking at another possibility by bringing underground power to Meadowbrook lift station.

Trustee Valentine asked to go back to Trustee Groth to his meeting on the status of the renter at 550 and 556 W. Phillips. Trustee Valentine asked if the owner was trying to move a renter or something like that as there are still for-rent signs in the window. Dennis answered that is for office space. The one person that he did rent an apartment to hasn't gotten out yet. Trustee Miller said on the door there is a sign that say ring the bell for the upstairs resident so he is assuming there is someone living in the downstairs also. Dennis answered that is right. And that was the he one that was brought in that shouldn't have been, the one upstairs that has been residential when Kemmer had it. I don't think anybody has told him he has to get that person out. The Zoning Board of Appeals told Schaltenbarnd the new person downstairs had to go, and I don't think Mr. Schaltenbarnd has done that. I told him that he had thirty days which would be reasonable to take care of it and it has been over that. Mayor Danford told Dennis to tell him we could go back from day one for fines if he chose not to get out. Dennis will give him a call and find out where this all stands and will go from there. Dennis will impress upon him that he could be facing some fines if this situation is not resolved.

#### **UPCOMING MEETINGS:**

Water/Sewer Committee Meeting - Wednesday, November 21, 2007 - 4:00 p.m. (canceled)

Street Committee Meeting - Wednesday, November 21, 2007 - 6:30 p.m. (canceled)

Closed for Thanksgiving Holiday - Thursday, November 22, 2007 and Friday, November 23, 2007

Committee AS A Whole - Monday, November 26, 2007, 5:30 p.m.

Finance Committee Meeting - Wednesday, November 28, 2007 - 5:30 p.m. (changed to Tuesday, November 27, 2007, 5:30 p.m.)

Zoning Board of Appeals - Thursday, November 29, 2007, 8:00 p.m.

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Board Meeting – Monday, December 3, 2007, 7:30 p.m.

**VILLAGE PRESIDENTS AND TRUSTEE'S COMMENTS**

Trustee Charlie Mattern: No thank you Mayor.

Trustee Steve Smith: No thank you Mayor.

Trustee Rita Baker: Nothing.

Village Clerk Jerry Menard: Nothing.

Trustee Corby Valentine: No thank you Mayor.

Trustee Tony Miller: I would just like to say Happy Thanksgiving and have a good holiday and am thankful for all the boards before us.

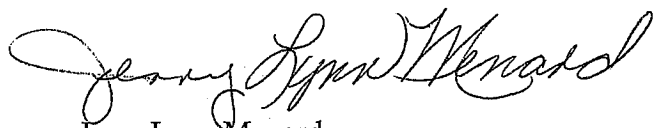
Trustee Kevin Groth: Happy Thanksgiving.

Mayor Danford: I would like to make one quick comment particularly to our police department who I think did a fine job with the bomb scare at the high school. The other departments on standby -- Fire Department and ESDA -- I was pleased with the effort that went on. I am glad there was no bomb but, of course, it was a valuable exercise. I believe there were some deficiencies brought up and minor glitches that can be addressed to enhance our response next time if we are called upon in the future. I think the police did a fine job and went far above trying to do the best they could. I also appreciate all the help we had from the surrounding communities they were very responsive and basically within 1.5 hours they were there with the dogs, I was well pleased with the response. Thank you all for coming tonight.

**STAFF:** None.

**ADJOURN:**

*Trustee Rita Baker motioned to adjourn at 8:40 p.m. and Trustee Tony Miller seconded the motion. All voting aye, motion carried.*



Jerry Lynn Menard  
Village Clerk