

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mathew Trout
Dean Pruett
Lisa Meehling
Ray Matchett, Jr.
Mike Blaies
Denise Albers

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

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Stanley Donald

VILLAGE ATTORNEY
Weilmuenster & Keck, P.C.

April 22, 2016

NOTICE

COMMITTEE AS A WHOLE MEETING VILLAGE OF FREEBURG

A Committee as a Whole Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Monday, April 25, 2016, at 5:30 p.m.**

COMMITTEE AS A WHOLE MEETING AGENDA

I. Items to be Reviewed

- A. Old Business
 - 1. Approval of March 2, 2016 Minutes
- B. New Business
 - 1. Sewer Project – Executive Session to Discuss Real Estate Transactions, 5 ILCS 120/2-(c)(5)
 - 2. Combination of Plan Commission and Board of Appeals
 - 3. Local Debt Recovery Program
- C. General Concerns
- D. Public Participation
- E. Adjourn

At said Committee 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 position [5 ILCS, 120/2 – (c)(3)]; litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 – (c) (1)]; real estate transactions [5 ILCS, 120/2 - (c)(5)]; or collective negotiating matters between the public body and its employees or their representatives [5 ILCS 120/2 (C)(2)]; discussion of executive session minutes, 5 ILCS, 120/2 – (C)(21)

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Committee as a Whole Meeting
Wednesday, March 2, 2016
5:30 p.m.

The Committee as a Whole meeting was called to order at 5:30 p.m. on Wednesday, March 2, 2016 by Mayor Seth Speiser. Members present were Mayor Seth Speiser, Trustee Mike Blaies, Trustee Ray Matchett, Trustee Lisa Meehling, Trustee Denise Albers, Trustee Dean Pruett, Trustee Matt Trout, Public Works Director John Tolan, Village Clerk Jerry Menard (absent), Village Administrator Tony Funderburg and Office Manager Julie Polson.

A. Old Business:

1. Approval of October 14, 2015 minutes: Trustee Ray Matchett motioned to approve the October 14, 2015 minutes and Trustee Matt Trout seconded the motion. All voting yea, the motion carried.

B. New Business:

1. FY2016 Budget: Administrator Funderburg advised in order to balance this year's budget, we need to borrow in some areas from reserves. Tony stated we will only use money from reserves if needed. He advised we can't afford to hire an additional public works employee in this budget. He forgot to budget the \$50,000 for the Safe Routes to School Project over the Railroad.

Tony advised he tried to be as conservative as he could on the revenues and pulled money from reserves. Currently, we have about \$500,000 in reserves that could be used for any department. Tony again stated we need to be fiscally responsible this year and only do what projects are needed.

Tony stated we will need an increase in sewer rates this year which will include both the sewer plant and line so we only have to raise rates one time. In the garbage fund, Tony added a piece of equipment that is going to help with the leaf/limb pickup. It hooks onto the back of a dump truck and can pick up everything. It is done by remote control and is a safer operation for our employees. We would only need 3 part-time workers on leaves instead of 4. John confirmed Shane Reinneck will take our leaves and believes this will be the case for many years to come. We renewed our agreement with Waste Management. As we normally do, those price increases will be passed along to the residents. He would also like to find a way to budget to landscape Village Hall and plant flowers in the Village Park.

Tony said the MFT numbers are not correct. We are in the process of getting those firmed up. Trustee Trout asked why the zoning numbers are so much lower, and Tony stated everything has slowed down. Tony said we have added a line item to each fund that we are going to try to start funding so that we have money put aside for when an

Committee as a Whole Meeting
Wednesday, March 2, 2016
Page 1 of 2

employee retires. Our employees can cash in any unused vacation or compensatory time and that can be a significant amount, and we would like to start budgeting for that. Tony stated on the pool pavilion, the work will be done in this budget but we probably won't get reimbursed until next year. With respect to the ESDA sirens, there is a meeting scheduled for next week to have those looked at. We will try to see if there are any grants available. The cost for the security system for Village Hall is approximately \$19,000, and Tony is working to get three quotes on it. Julie advised the committee that we have a \$7800 safety grant from our insurance company and that can be used towards the purchase of a security system. Tony was advised by our IT company, Computron, to hold off on Clearwave for the moment. They would like to verify some stuff before we move forward on that project.

Tony would like for everyone to review the budget before we present it at the second board meeting in March for approval. Tony passed out lists of our new, ongoing, annual and completed projects and asked for the board to pick out their top three projects that they would like to see done, and we can compare what our priorities are. He also asked for the trustees to let him know if they felt like any of the projects should be taken off the list or suggestions for ones that we should be doing. Tony spoke to Attorney Manion today about the employee handbook and asked for it to be one of his priorities to complete. He also asked the trustees what projects Brian should be focusing on.

The IML Conference is September 22 – 24 in Chicago. Tony budgeted for 8 people to attend, and asked for the trustees to let him know if they are interested in attending. Trustee Trout spoke with Chief Donald, Officer Boeving and Tony regarding Joel and Duke's training in Springfield. Duke has an injury that can be likened to growing pains and cannot continue with the training. He will be re-evaluated by the vet in a couple of weeks.

C. General Concerns: None.

D. Public Participation: None.

E. Adjourn: *Trustee Matt Trout motioned to adjourn the meeting at 6:15 p.m. and Trustee Lisa Meehling seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

ORDINANCE NO. ____

AN ORDINANCE DISSOLVING THE VILLAGE OF FREEBURG PLANNING COMMISSION AND ZONING BOARD OF APPEALS and ESTABLISHING THE VILLAGE OF FREEBURG COMBINED PLANNING AND ZONING BOARD

WHEREAS, the Village of Freeburg, Illinois (the “Village”) is a municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations for the benefit and welfare of its citizens; and

WHEREAS, the Village has established a Planning Commission through the authority granted in 65 ILCS 5/11-12-4 and a Zoning Board of Appeals through the authority granted in 65 ILCS 5/11-13-3 (c); and

WHEREAS, the Village Board has determined that it is in the best interest of the Village to dissolve the Planning Commission and the Zoning Board of Appeals and establish a Combined Planning and Zoning Board;

WHEREAS, the Combined Planning and Zoning Board shall better serve the Village in that it will provide a more efficient manner in which to address citizens’ requests relating to planning and zoning issues. A Combined Planning and Zoning Board will also serve to better provide the Village Board with clear and consistent recommendations.

WHEREAS, the establishment of a Combined Planning and Zoning Board will require various amendments to the Village of Freeburg Municipal Code Chapters: 4 – *BOARDS AND COMMISSIONS, ARTICLE I – PLAN COMMISSION*, Chapter 34 – *SUBDIVISION CODE* and Chapter 40 – *ZONING CODE*, as set forth on attached Exhibit A.

WHEREAS, the establishment of a Combined Planning and Zoning Board will also require various amendments to the Village of Freeburg Comprehensive Plan, said amendments being attached hereto as Exhibit B.

NOW, THEREFORE, BE IT ORDAINED, By the Mayor and the Board of Trustees of the Village of Freeburg as follows:

1. That effective _____, the Village of Freeburg Planning Commission and Zoning Board of Appeals shall be dissolved.
2. Upon the dissolution of the Planning Commission and Zoning Board of Appeals, the Combined Planning and Zoning Board shall be established pursuant to attached Exhibit A, which serves to set forth the necessary amendments to the Village of Freeburg Municipal Code required to establish the Combined Planning and Zoning Board.

3. Upon the establishment of the Village of Freeburg Combined Planning and Zoning Board, Chapter 54 – *Planning* of the Freeburg Municipal Code is hereby amended to read as attached.
4. Upon the establishment of the Village of Freeburg Combined Planning and Zoning Board, Chapter 66 – *Land Development Code* of the Freeburg Municipal Code is hereby amended to read as attached.
5. Upon the establishment of the Village of Freeburg Combined Planning and Zoning Board, Chapter 90 – *Zoning* of the Freeburg Municipal Code is hereby amended to read as attached.
6. Upon the establishment of the Village of Freeburg Combined Planning and Zoning Board, the Village of Freeburg Comprehensive Plan, adopted _____, 2016, is hereby amended to read as attached.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS _____ DAY OF _____, 2016.

Vote Recorded:

Ayes _____

Nays _____

Absent _____

Abstain _____

Vote Recorded by:

 Jerry Menard, Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois, this _____ day of _____, 2016.

Seth Speiser, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form: _____
J. Brian Manion, Village Attorney

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING SECTION 38-2-1 OF THE CODE OF ORDINANCES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, TO IMPLEMENT THE ILLINOIS OFFICE OF COMPTROLLER'S LOCAL DEBT RECOVERY PROGRAM

WHEREAS, the corporate authorities of the Village of Freeburg, Illinois, (the "Village") executed an Intergovernmental Agreement by and between the Illinois Office of the Comptroller (the "Comptroller") and the Village of Freeburg regarding access to the Comptroller's Local Debt Recovery Program;

WHEREAS, the corporate authorities of the Village believe it is in the best interest of the citizens of Freeburg to enable the Village to implement the Comptroller's Local Debt Recovery Program;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, as follows:

Section 1: The recitals set forth above are true and correct and are hereby incorporated herein.

Section 2: Chapter 38: UTILITIES, Article II: Utility Regulations, Section 38-2-1 Contract for Utility Services, is amended as follows:

§ 38-2-1 CONTRACT FOR UTILITY SERVICES.

(A) **Customer Accepts Service.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water, electric and sewer services from the waterworks, electric and sewer systems and every person, company or corporation, hereinafter called a "**customer**" who accepts and uses Village water and sewer services shall be held to have consented to be bound thereby.

(B) **Not Liable for Interrupted Service.** The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefor.

(C) **Using Services Without Paying.** Any person using utility services from the Village without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks, electric or sewer systems, or erecting signs on the property of the Department

without permission shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code.

(E) **Service Obtained By Fraud.** All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the deposit as may be necessary to satisfy the unpaid obligation shall be retained by the Village and credited to the appropriate account.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month. A month shall be considered as that period of approximately **thirty (30) days.**

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Utility Systems during a month unless the customer notifies the Village prior to the first day of the new billing month in which the services are to be discontinued.

(H) **Billing; Utility Shut-off; Hearing.**

- (1) All bills for utility services shall be due and payable upon presentation. If a bill is not paid within by **the fifteenth (15th) day** of the billing or within **fifteen (15) days** of the date the bill is presented, whichever is later, a penalty equal to **ten percent (10%)** of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charge heretofore established for the utility services.
- (2) If a utility bill is not paid by the **fifteenth (15th) day** of the month following billing, then the Village shall notify the customer by first-class mail of such failure to pay. When the last day of any net payment period falls on a Saturday, Sunday or a legal holiday, such period will be automatically extended to include the following first full business day. The notice to the customer and/or property owner shall state the following:
 - (a) Name and address of the consumer and the amount of his or her bill.
 - (b) The date, time, and location of the hearing to be held.
 - (c) That the consumer has a right to be heard and to present evidence in his or her behalf to challenge the existence, amount, and current collectability of the bill.
 - (d) That if the consumer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
 - (e) The date of termination.

[See Memphis Light, Gas & Water v. Craft 98 S.Ct 1554 (1978)]
- (3) The time, date and location of the hearing shall be determined by the Mayor. The Mayor or designee shall preside over the hearing and shall

- make a ~~final~~ determination as to the rights of the consumer and the Village based on the information received at the hearing. (See Appendix #6)
- (4) The customer shall be notified within **five (5) working days** of the decision rendered by the hearing officer. Notice of the hearing officer's decision shall be made by first-class mail. If the decision of the hearing officer is unsatisfactory to the customer, the customer may, within **ten (10) working days** of the mailing of the decision, file in writing a request for a review. Such writing shall state as completely as possible the basis and nature of the dispute. Should the customer timely file a written request for review, the Director of the Utilities Department shall review the decision of the hearing officer and the customer's written request and make a final determination as to the rights of the consumer and the Village. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service or services of the customer.
 - (5) If the hearing officer and/or Director of the Utilities Department decides in favor of the Village, the Village shall have the right to discontinue the customer's utility services. Should the customer fail to appear at the hearing, or should the notice be returned non-accepted, or should the customer fail to timely write a request for review, then the Village shall also have the right to terminate the customer's utility services without further proceedings.
 - (6) If utility services are going to be terminated under this Code for a person renting, leasing, or occupying a structure, the property owner may sign the prescribed release form in the Village Clerk's office specifying that he or she waives the utility cut-off provisions of this Code and assumes responsibility for all utility fees, charges, and late charges for the person renting, leasing, or occupying his or her property. The Village Board reserves the right to terminate the utility services if the terms and conditions of the waiver are not followed.
 - (7) Once utility services have been disconnected [terminated], the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of Twenty Dollars (\$20.00) for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services.

(I) **Lien Notice.**

- (1) Whenever a bill for utility services remains unpaid for forty-five (45) days after it has been rendered, the Clerk ~~shall~~ may file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount as well as for all charges for utility services served subsequent to the period covered by the bill.
- (2) If the consumer of utility services whose bill is unpaid is not the owner of the premises, and the Clerk has notice of this, then notice shall be mailed to the owner of the premises if his or her address is known to the Clerk,

whenever such bill remains unpaid for a period of forty-five (45) days after it has been rendered.

- (3) The failure of the Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein.

(J) **Foreclosure of Lien.**

- (1) Property subject to a lien for unpaid utility charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be billed in the name of the Village.
- (2) The Village Attorney is authorized to institute such proceedings in the name of the Village in any court having jurisdiction over such matters, against any property for which the bill for utility services has remained unpaid forty-five (45) days after it has been rendered.

(K) **Returned Checks.** If any check submitted in payment for utility services, deposits, or other utility related charges, is returned unpaid due to insufficient funds, or for any other reason, there shall be a Service Fee of **Twenty-Five Dollars (\$25.00)** assessed and added to the account. This fee shall be in addition to any other amounts due and payable on the account. (Ord. No. 1229; 10-02-06)

Section 4: This Ordinance shall be effective upon its passage, execution by the Mayor and Village Clerk and publication as required by law.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG,
ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT
THIS _____ DAY OF _____, 2016.

Vote Recorded:

Ayes _____

Nays _____

Absent _____

Abstain _____

Vote Recorded by:

Jerry Menard, Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois,
this _____ day of _____, 2016.

Seth Speiser, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form: _____
J. Brian Manion, Village Attorney