

VILLAGE PRESIDENT

Ray Danford

VILLAGE CLERK

Jerry Menard

VILLAGE TRUSTEES

Corby Valentine

Steve Smith

Tony Miller

Rita Baker

Seth Speiser

Charlie Mattern

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

December 29, 2009

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEES (Annexation; Building; Zoning; Subdivision) Speiser/Baker/Mattern

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, January 6, 2010, at 4:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of December 2, 2009 Minutes
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code/Building Code application
3. Status of Public Hazard Homes
4. TIF Litigation
5. Stumpf Lawnmower business
6. Bonfire Code

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)
(Speiser/Baker/Mattern)
Wednesday, December 2, 2009 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:33 p.m. by Chairman Seth Speiser on Wednesday, December 2, 2009, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Trustee Corby Valentine, Mayor Ray Danford, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of November 10, 2009 Minutes: Trustee Rita Baker motioned to approve the November 10, 2009 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: Charlie did not have a list of requirements for the commercial building permits compiled for the meeting. Rita said if we have a dollar amount, that would be a place to start. Dennis thinks there should be other requirements than just a dollar amount. The committee members will try to come up with some benchmarks, i.e. opening up a wall, electrical or plumbing work, etc. Mayor Danford asked about the discussion with the county and how they addressed apartments and Seth advised they are considered residential, not commercial. Seth would like Attorney Wigginton to review the wording once the list is compiled.

3. Status of Public Hazard Homes: Dennis said Phil has talked to Mary Kinzinger a few times and has also talked to Waseem about the G&S Foundry Building. Both properties are being worked on and monitored. Ray asked about Sheets' house north of town and asked if it was in limbo and Dennis advised yes. Dennis does not believe the wells have been addressed and suggested we could call the Health Dept. to see if they can get Sheets to take care of them. The committee directed Dennis to send Sheets a letter advising if he doesn't fix it, we will and send him a bill.

4. TIF litigation: Dennis said we've received the draft agreement and he has reviewed it with Ray. We have made some minor changes to it and Steve is waiting to hear back from us. Ray told Dennis to give Steve a call and get it passed onto Koppeis.

5. Stumpf Lawnmower Business: Dennis provided a copy of the Consent Order that is being recommended by Steve we proceed with. The difference between this and

Legal and Ordinance Committee Meeting
Wednesday, December 2, 2009
Page 1 of 2

the initial offer, Stumpf is pleading guilty, he is willing to be limited to only one lawnmower which is more stringent than our existing ordinance, and says he will not repair maintain or repair lawnmowers for others. This order is enforceable by a contempt of court and Stumpf could be jailed if he fails to abide by the consent order. Corby thought the language should be more limiting, i.e. small engine repair. Ray said he can't see any way to limit the antagonistic aspect of the situation. Dennis will talk to our attorney to see if the language can be changed.

6. Bonfire Code: Dennis provided copies of Palatine, Maryville and Rock Island's code on bonfires. The committee agreed to keep the language in our code regarding bonfires and add Palatine's code in regarding recreational fire pits. The committee agreed to a flat fee for the home built fire pit building permit, either \$5 or \$10. The committee thought it was a good idea to have a fire extinguisher. Dennis will prepare the ordinance for the next meeting.

B. NEW BUSINESS: Rita asked about the comprehensive plan and Ray advised the Plan Commission is waiting on some statistical tables to be completed. Once those have been completed, meetings with the public can be scheduled. Once the Plan Commission passes it, it would be presented to the Village Board. Seth asked if the doctor's building had passed and Dennis advised it is scheduled for hearing on December 10th. Seth asked about the bowling alley and Dennis advised it was approved a week or so ago. Rita asked what was wrong with the doctor's building and Dennis said it doesn't meet the setback requirements, their parking is not on their property, they are proposing to put the parking in the area that Koppeis had put aside for future parking for the shopping center. So a joint meeting has been set up with the doctors and Koppeis on the 10th to decide the issues.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:15 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager



WEILMUNSTER & WIGGINTON, P.C.

ATTORNEYS AT LAW
wwlaw1.com

RECEIVED

DEC 10 2009

J. BRIAN MANION*
E-Mail: jbm@wwlaw1.com

*Licensed in Illinois & Missouri

December 8, 2009

Hon. John Goodwin
Bonifield & Rosenstengel
16 East Main Street
Belleville, IL 62220

Re: Village of Freeburg v. Kenneth A. Stumpf
Case No(s): 09-OV-4447, 09-OV-4448, 09-OV-4449 and 09-OV-4450

Dear Judge Goodwin:

Enclosed please find a file-stamped copy of the Consent Order entered by Judge Kelley this date together with a receipt for payment of the \$100.00 fine.

Thank you for your cooperation and assistance in resolving this matter. If you have any questions, please feel free to contact me.

Sincerely,

WEILMUNSTER & WIGGINTON, P.C.

By: _____



J. Brian Manion

JBM:kh

Enclosures

cc: Dennis Herzing w/enclosures

4. That plaintiff, Village of Freeburg, Illinois, agrees to dismiss with prejudice the following three (3) citations for disturbing the peace: 09-OV-447, 09-OV-448 and 09-OV-449.

5. That the parties agree that the Court shall retain jurisdiction to enforce this order with the contempt powers of the Court in the event of any future violations.

WEILMUENSTER & WIGGINTON, P.C.

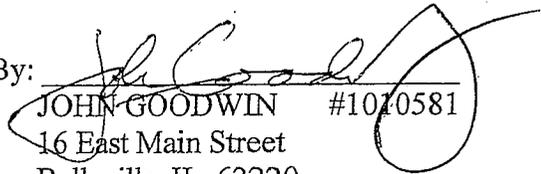
BONIFIELD & ROSENSTENGEL

By:

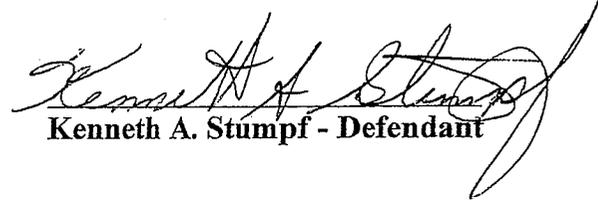


J. BRIAN MANION #6283445
3201 West Main Street
Belleville, IL 62226
257-2222 (Phone)
257-2030 (Fax)
Attorney for Plaintiff

By:

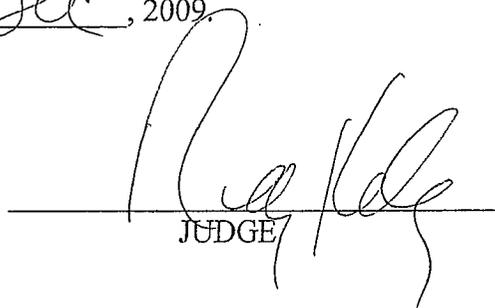
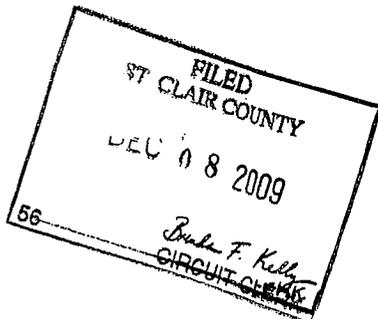


JOHN GOODWIN #1010581
16 East Main Street
Belleville, IL 62220
277-7740 (Phone)
277-5155 (Fax)
Attorney for Defendant



Kenneth A. Stumpf - Defendant

ENTERED THIS 8 DAY OF Dec, 2009.



JUDGE

ORDINANCE NO. _____

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, THAT:

WHEREAS, the Village Board desires to effect changes to its existing Code Section listed below.

Section 1. That TITLE IX GENERAL REGULATIONS, CHAPTER 94 Nuisances Section 94.63 BONFIRES present language is hereby deleted in its entirety and replaced with the following:

94.63 **Recreational Fires and Bonfires.** Recreational fires are those that are typically found at single family homes; essentially a campfire generally attended by a small number of people vs. the bonfire scenario that would typically be held at a school, church or commercial site where there could be 50 people or more. Bonfires at multi-family, commercial, assembly; or institutional buildings are required to obtain a permit from the Village of Freeburg. Permits for bonfires shall be required. Bonfire permits may be obtained from the Office of Administration and must be authorized by the Chief of Police. Recreational fires do not require a permit.

A. Requirements:

1. Open burning fires that will be offensive or objectionable because of smoke or odor emissions, or when atmospheric conditions or local circumstances make such fires hazardous, shall be prohibited. The Fire and Police Departments are authorized to order the extinguishment of any objectionable or hazardous fire.
2. Materials burned in recreational fires or bonfires shall consist only of the following: tree logs, tree branches, and tree stumps. Materials not permitted shall consist of but not

be limited to, the following: vegetable or plant refuse, garbage and agricultural waste, construction waste, brush, weeds, leaves, grass, shrubbery, yard waste, or other tree trimmings.

3. The location for open burning fires shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. Exception: Fires in approved containers that are not less than 15 feet from a structure.
4. The wood pile size shall be 3 feet in diameter or less, and 2 feet or less in height.
5. Open burning fires, recreational or bonfires shall be constantly attended by a competent person 18 years of age or older until the fire is extinguished. On site extinguishing equipment shall always be available for immediate use.
6. Manufactured fireplaces are allowed provided they meet the required size limits of 3 feet in diameter or square and 2 feet in height. Fireplaces must be screened and have a lid to prevent flying embers. Home built stationary fireplaces will require a building permit.
7. Bonfires shall not be permitted between the hours of 12:00 a.m. and 6:00 a.m.

Section 2. This Ordinance shall be in full force and effect immediately after its passage, approval and recordation according to law.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS,
ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT
THIS _____ DAY OF _____, 2010.

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 _____, 2010.

Raymond S. Danford, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form: _____
Stephen R. Wigginton, Village Attorney
